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ABSTRACT

The American Issues Forum (AIF) is a national Bicentennial program sponsored by the National Endowment for the Humanities and cosponsored by the American Revolution Bicentennial Administration. AIF seeks to engage Americans in serious consideration of the nation's institutions, values, and traditions through a calendar which sets forth and elaborates on the fundamental American issues contained in nine monthly topics and weekly subtopics. The units, designed for secondary social studies and history classes, provide students with a special, activity-oriented one-day discussion unit for each of the 36 weekly subtopics of the calendar. The first volume (the second to be published in October) contains the 16 units for the first four months of the calendar beginning August 31, 1975. Each of the one-day units is a self-contained package which includes suggestions to the teacher for procedures, readings, instructions, and questions. Although a variety of instructional procedures are suggested, all of the units are intended to engage students in structured activities leading them to active inquiry and participation in class discussions. Several appendixes conclude the document, including bibliographies, a description of an in-school television debate, and the full text of the AIF Calendar. (Author/JR)

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What Is America?

Discussions

Volume I

A publication of the American Issues Forum Regional Program, University of Denver

GENERAL EDITORS:

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U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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American Issues Forum:
A national bicentennial program

Developed under the auspices of the National Endowment for the Humanities and cosponsored by the American Revolution Bicentennial Administration.

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1975
University of Denver
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First Month: "A Nation of Nations" Section I
August 31 through September 27, 1975

Second Month: The Land of Plenty Section II
September 28 through October 25, 1975

Third Month: "Certain Unalienable Rights" Section III
October 26 through November 22, 1975

Fourth Month: "A More Perfect Union" Section IV
November 23 through December 20, 1975

(Months Five through Nine will be found in Volume II)

Immediately following the Discussions:

Appendix I: Bibliographies; Courses By Newspaper.

Appendix II: WNET/13: In-School Television; Upper Elementary Materials; Bicentennial Youth Debates; Project Forward '76; Scholastic Magazine: Scholastic Voice.

Appendix III: The Calendar (Full Text).

Important Note: The adult and youth versions of the American Library Association Bibliographies, mentioned in the text, were to be part of Appendix III. Because of postal regulations, they could not be included in this volume. However, the bibliographies are being mailed to recipients of this volume, under separate cover. (Another post office ruling accounts for the stapled binding; the staples may be easily removed when pages are being duplicated.)

INTRODUCTION

The American Issues Forum is a national Bicentennial program sponsored by the National Endowment for the Humanities (NEH) and co-sponsored by the American Revolution Bicentennial Administration (ARBA). It seeks to engage Americans of all ages and walks of life in serious consideration of our nation's institutions, values, and traditions. To make this possible, NEH has developed and published a Calendar setting forth and elaborating upon the issues connected with nine monthly topics and 36 weekly subtopics. The full text of the Calendar is enclosed, as the last appendix of this volume. During the 36 weeks of the school year beginning September, 1975, and running through May, 1976, much attention will be given to the topics and questions described in the Calendar in the press and the broadcast media. Several publication projects have also been arranged for by the NEH to support the efforts of citizens to engage in this consideration of our nation's heritage and future.

What Is *America?/Discussions* has been prepared by the Regional American Issues Forum Program, which has been created by NEH to support the Forum in the Great Plains and Rocky Mountain states, and which has its headquarters at the University of Denver. This is the first volume of two (the second will be published in October) which are designed to provide high schools with a special, activity-oriented, one-day discussion unit for each of the 36 weekly topics of the Forum's Calendar. Scholars at several of the region's universities are collaborating in the production of *What* Is *America?/Discussions*. They are suggesting to the editors what substantive points might best be treated in the units and what documents and other readings may be selected to demonstrate to students how Americans have attempted and now attempt to deal with the problems and issues raised by the Calendar. The final responsibility for editing the units has rested upon the General Editors, Dr. Robert E. Reader, Department of History, University of Denver; Dr. Jarrel McCracken, Denver Public Schools; and Dr. Ted Soens, Pittsburgh Public Schools.

This first volume contains the 16 units for the first four months of the Calendar, which conclude just before the normal Winter break in the school year. The second volume will cover the balance of the Calendar. The units are designed with the needs and opportunities of senior high school social studies and history classes primarily in mind. They may, however, be used in other senior high school classes and, in some instances, in junior high schools.

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Each of the one-day units is a self-contained package. It contains suggestions to the teacher of procedures for its use; and readings, instructions, and questions to be duplicated by the teacher for student use. This volume is left unbound in order to facilitate that duplication. Although a variety of instructional procedures are suggested, all of the units are intended to engage students in structured activities leading them to active inquiry and participation in the class discussions. Teachers preferring to use a simpler format will also find materials in these units and useful questions in the Calendar text suitable for "read-and-discuss" procedures. Additional sources of readings and other instructional materials keyed to each week's topic and questions are described below and in the appendices of this volume.

Each teacher will, of course, decide when and how best to use the units in his or her classes. Some will find them useful when their courses normally reach a point where one of the American Issues Forum topics comes under consideration. The editors urge, however, that during the forthcoming Bicentennial year, teachers consider using these units on a "once-a-week" basis during the weeks specified by the Calendar. During those weeks, special stimulus to, and special information for, discussion of the topics will be given by the press and broadcast media, and in some communities, by other AIF programs. For instance, each week the Calendar's topic will be examined in an essay written by one of the nation's leading scholars. These essays will appear in many of the nation's newspapers. (See the section on "Courses By Newspaper" in Appendix I for additional information.)

Teachers who are interested in further pursuing issues raised by the weekly Calendar text, or in alternative ways of examining them, will find suggestions in the units themselves and in the AIF-related materials described in Appendices I and II of this volume. Appendix I contains copies of the Adult and Youth Bibliographies, prepared by the American Library Association, which recommend books and other materials for each week of the Calendar. It also contains a description of the "Courses By Newspaper" essay series and of its parallel readers, study guides, and community leader's guides. Brochures describing those readers and guides and containing information about how they may be obtained are enclosed in this Appendix. Teachers considering purchase of the readers for use in their classes may obtain free examination copies by writing to the publisher. The study guides contain additional bibliographies keyed to the weekly topics, and the community leader's guides contain week-by-week suggestions for discussion procedures and materials. Finally, Appendix I contains information about the annotated film list, keyed to the weekly topics, which is being prepared by the Educational Film Library Association.

Appendix II describes other AIF-related projects which will be of considerable interest to schools. WNET/13 is producing *OURSTORY*, a series of nine dramatic television programs, one for each month of the Calendar, for distribution through the PBS

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educational network. A 16-page teacher's guide is also being developed by WNET/13 to accompany each of the dramatic programs. This guide will be sent directly to each junior and senior high school social studies department in the country. It will contain materials reproduceable for student use, as well as suggestions to teachers. A publication, available at modest cost, entitled *101 Ways to Observe the Bicentennial*, contains suggestions which are primarily designed for use at the elementary level. Project Forward '76 has prepared discussion materials intended primarily for use by churches, but which may also be of interest to schools. The Bicentennial Youth Debates project described in the Appendix II is producing debaters' materials that may also be useable in the classroom.

The second volume of *What* Is *America?* will be ready for distribution in late October. It will be sent automatically to schools receiving this volume. Teachers interested in using the short discussion-starter oral tapes being prepared by the University of Denver in association with this editorial effort should write to: Dr. Robert E. Roeder, 401 Mary Reed Building, University of Denver, Denver, Colorado 80210. The tapes will be available at no charge to those sending in blank tapes and return postage. They contain classic American statements bearing upon the issues of the week.

Teachers interested in having their classes participate in the American Issues Forum will thus have a great variety of materials from which to select. It is hoped that the units in *What* Is *America?* will serve to raise issues of fundamental and abiding importance in the nation's life, and to aid students in gaining insight into how this people has sought to resolve them.

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TO THE TEACHER

SPECIAL NOTE

The "TO THE TEACHER" page or pages of each of the units explains how to use it in considerable detail. A few general suggestions for use should, however, be mentioned here:

1. In preparing to use a weekly unit, teachers should consult the enclosed Calendar to see the full range of issues it suggests in connection with the topic of that week. In order to make possible serious and fruitful discussion, most of the units focus on one of a few of the questions raised by the Calendar. Teachers may, however, find it useful to read the Calendar text to students on the day before the lesson, in order to orient them to the context of the particular questions the unit pursues.

2. Many of the units include materials which are to be duplicated for distribution the day before the discussion is scheduled so that students may prepare themselves by overnight reading. Others of the units also will require pre-preparation of materials to be distributed in the course of the class discussion. These volumes are being distributed in an unbound form and the printing has been done in a simple style so as to facilitate the process of in-school duplication.

3. All of the units are designed to elicit active participation by a substantial percentage of the students in the class. Some pre-planning of group and individual assignments will economize on class time.

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AMERICAN ISSUES FORUM CALENDAR

FIRST MONTH: **"A Nation of Nations"** *August 31-September 27, 1975*

August 31:	The Founding Peoples
September 7:	Two Centuries of Immigrants
September 14:	Out of Many, One
September 21:	We Pledge Allegiance . . .

SECOND MONTH: **The Land of Plenty** *September 28-October 25, 1975*

September 28:	A Shrinking Frontier?
October 5:	The Sprawling City
October 12:	Use and Abuse in the Land of Plenty
October 19:	Who Owns the Land

THIRD MONTH: **"Certain Unalienable Rights"** *October 26-November 22, 1975*

October 26:	Freedom of Speech, Assembly and Religion
November 2:	Freedom of the Press
November 9:	Freedom from Search and Seizure
November 16:	Equal Protection Under the Law

FOURTH MONTH: **"A More Perfect Union": The American Government** *November 23-December 20, 1975*

November 23:	"In Congress Assembled . . ." A Representative Legislature
November 30:	A President: An Elected Executive
December 7:	"The Government": The Growth of Bureaucracy
December 14:	"By Consent of the States . . ."

FIFTH MONTH: **Working in America** *January 11-February 7, 1976*

January 11:	The American Work Ethic
January 18:	Organization of the Labor Force
January 25:	The Welfare State: Providing a Livelihood
February 1:	Enjoying the Fruits of Labor

SIXTH MONTH: **"The Business of America . . ."** *February 8-March 6, 1976*

February 8:	Private Enterprise in the Marketplace
February 15:	Empire Building: Cornering the Market
February 22:	Subsidizing and Regulating: Controlling the Economy
February 29:	Selling the Consumer

SEVENTH MONTH: **America in the World** *March 7-April 3, 1976*

March 7:	The American "Dream" Among Nations
March 14:	The Economic Dimension
March 21:	A Power in the World
March 28:	A Nation Among Nations

EIGHTH MONTH: **Growing Up in America** *April 4-May 1, 1976*

April 4:	The American Family
April 11:	Education for Work and for Life
April 18:	"In God We Trust"
April 25:	A Sense of Belonging

NINTH MONTH: **Life, Liberty and the Pursuit of Happiness** *May 2-May 29, 1976*

May 2:	The Rugged Individualist
May 9:	The Dream of Success
May 16:	The Pursuit of Pleasure
May 23:	The Fruits of Wisdom

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American Issues Forum

"A Nation of Nations"

August 31 through September 27, 1975

August 31/ September 6: The Founding Peoples

TO THE TEACHER:

OBJECTIVES:

1. Given a set of data sheets, each student should be willing to hypothesize about the government, economy, and social structure of three peoples--the Africans (Mandingo tribe), the Europeans (Puritans), and the Indians (Mahometan).

2. Students should be willing to support or alter their hypothesis based on additional evidence.

3. Each student should be able to make a statement regarding the advantages and disadvantages each society had in relation to the other two societies.

(We have selected only three groups to represent the hundreds of different peoples who make up our "Founding Peoples". Time and space limit the number which can be introduced. We felt that a representative people would best explain the diverse backgrounds from which they originated.)

PROCEDURES:

At the close of the period on the day before the lesson is to be used, divide page two into two parts. Distribute the Data Sheet on European migrants to one-third of the class; the Data Sheet on the Mahometan Indians to the second third of the class; and the Data Sheet on the Mandingo Tribe of Western Africa to the remaining third of the class. Also give each student the chart on page 4. Ask the students to study their Data Sheets and generate hypotheses which answer the questions on the chart. Each student will answer only those questions which pertain to his society. Do not worry if some students find it difficult answering all of the questions. The material will stimulate thinking and inquiry skills take time to develop.

Begin the period when the lesson is used by grouping the class according to the people they studied. Ask each group to spend about five minutes sharing their answers within their own group and to select a chairperson. At the end of the time, each chairperson will relate the group's hypothesis to the other two groups. Members of these groups will complete their charts accordingly. When all of the chairpersons are finished, distribute the Evidence Sheets to all students and ask them to determine the validity of each group's findings. They are also to complete any part of the chart they haven't answered. Then, with the charts in mind, engage the students in a discussion based on the following questions:

1. How are these societies the same? In what ways do they differ?
2. When these groups come in contact, which group would have the advantage? Why?
3. What can the group with the advantage gain from the other two by using its advantages?

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DATA SHEET: European Migrants to the New World

A Catalogue Of Such Needful Things As Every Planter Doth Or Ought To Provide To Go To New England (1630)

[From: Reverand Francis Higgin's, New England's Plantation (London, 1630)]

Victuals for a whole year for a man, and so after the rate for more.
- 8 bushels of meal,
- 2 bushels of peas,
- 2 bushels of oatmeal,
- 1 gallon of aqua-vita,
- 1 gallon of oil,
- 2 gallons of vinegar,
- 1 firkin of butter.

Apparel.
- 1 Monmouth cap,
- 3 falling bands,
- 3 shirts,
- 1 waistcoat,
- 1 suit of canvas,
- 1 suit of frieze,
- 1 suit of cloth,
- 3 pair of stockings,
- 4 pair of shoes,
- 2 pair of sheets,
- 7 ells of canvas, to make a bed and bolster,
- 1 pair of blankets,
- 1 coarse rug.

Arms
- 1 armor, complete,
- 1 long piece,
- 1 sword,
- 1 belt,
- 1 bandoleer,
- 20 pound of powder,
- 60 pound of lead,
- 1 pistol and goose shot.

Tools
- 1 broad hoe,
- 1 narrow hoe,
- 1 broad axe,
- 1 felling axe,
- 1 steel handsaw,
- 1 whipsaw,
- 1 hammer,
- 1 spade,
- 2 augers,
- 4 chisels,
- 2 piercers, stocked,
- 1 gimlet,
- 1 hatchet,
- 2 frowers,
- 1 handbill,
- 1 grindstone,
- 1 pickaxe,
- nails, of all sorts.

Household Implements
- 1 iron pot,
- 1 kettle,
- 1 frying pan,
- 1 gridiron,
- 2 skillets,
- 1 spit,
- wooden platters,
- dishes,
- spoons,
- trenchers.

Spices.
- Sugar,
- Pepper,
- Cloves,
- Mace,
- Cinnamon,
- Nutmegs, Fruit.

Also, there are diverse other things necessary to be taken over to this plantation, [such] as a Bible and other books, nets, hooks and lines, cheese, bacon, kine, goats, etc.

- - - - - - - - - - - - - - - - - - - -

DATA SHEET: The Original Inhabitants/The Mahometan Indians

Some Vocabulary Words:

1.	Tacockque	fall	13.	Jac-sapean	soup	25.	Cockoon	leggings
2.	Ipis-Ipe	water	14.	Iwse	meat	26.	Virum	grapes
3.	Kisquenon	a week	15.	Seepe	river	27.	Tomaque	beaver
4.	Assisku	bog or marsh	16.	Pone	bread	28.	Accoke	snake
5.	Aquewan	coat	17.	Whinne	snow	29.	Tomahickan	axe
6.	Maholo	canoe or boat	18.	Wean	winter	30.	Seppock	moccasins
7.	Tipaas	hen	19.	Hosequen	corn	31.	Seckha	salt
8.	Lamiss	fish	20.	Miningus	mink	32.	Asqu	meadow
9.	Kahake	goose	21.	Sickenom	turkey	33.	Mamruk	squirrel
10.	Mushoon	dugout canoe	22.	Mides	elk	34.	Paug	pond
11.	Hobokan	tobacco pipe	23.	Quing-Quing	duck	35.	Quippelens	hoe
12.	Soccutakan	breeches	24.	Pocksucar	knife	36.	Nippinge	summer

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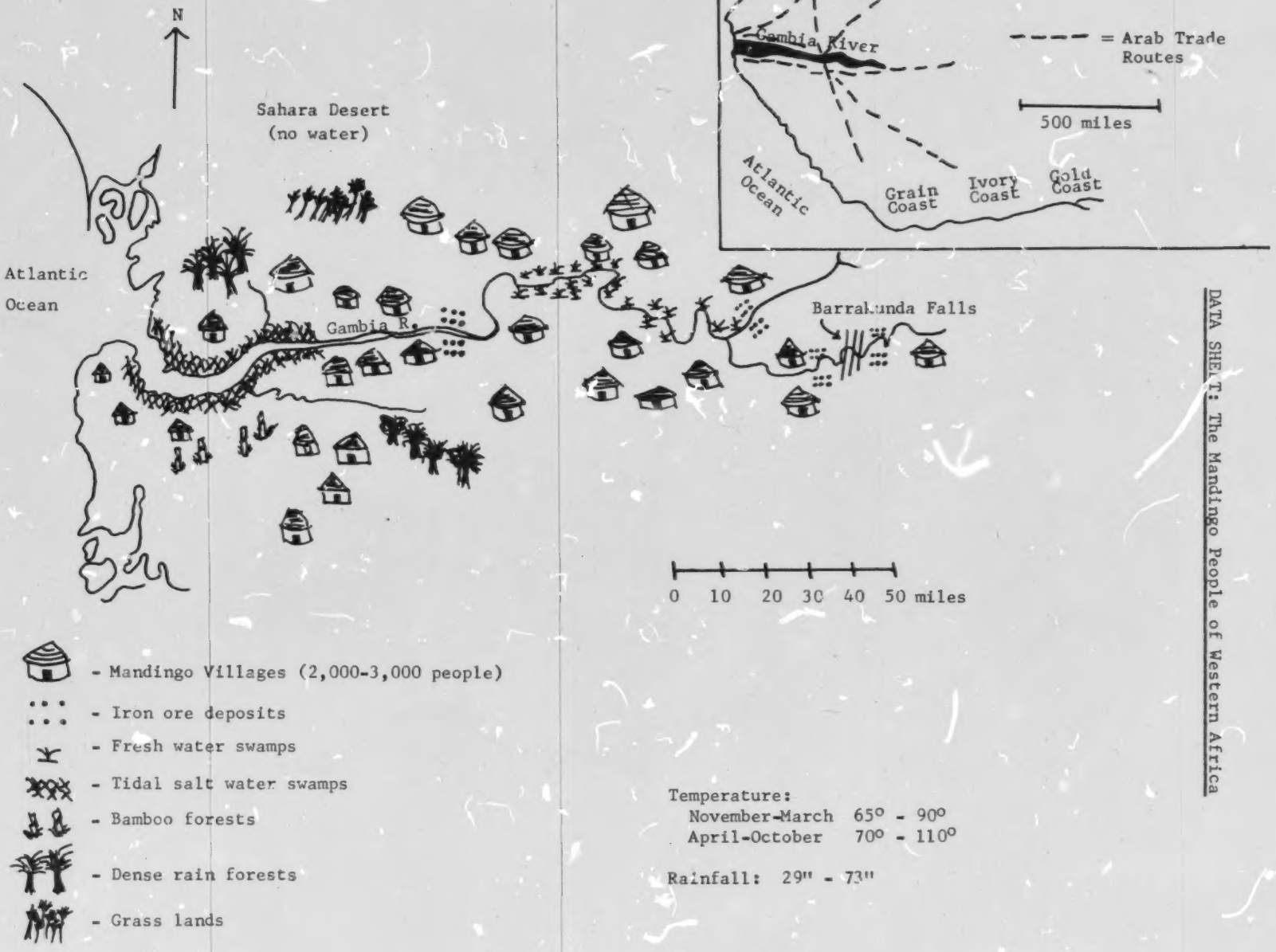

Temperature:
November-March 65° - 90°
April-October 70° - 110°

Rainfall: 29" - 73"

QUESTIONS	INDIANS	AFRICANS	EUROPEANS
1. Who had the power?			
2. What statements can you make about the religious structure?			
3. Who received education? How?			
4. How was status shown?			
5. What role did the family, clan, tribe play in this society?			
6. a. Describe the environment. b. In what ways did environment affect this society?			
7. What natural resources were available?			
8. How did members of the society earn a living?			
9. How did this society view the outside world?			
10. What technology was available to them or what material goods did they produce?			

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EVIDENCE SHEET: European Migrants/The Puritans, Early 1600's

The Puritans, carrying with them a variety of ideas retained from their English home land, arrived in the new world ready to reform it in their image. Dissatisfied with many of the changes rapidly taking place in England, the Puritan set out to build his society in an unspoiled place. They organized themselves into Protestant religious congregations where men and women could work together with salvation as their goal. Unlike England where the king or queen ruled, in the new world the head of the Puritan faith would hold the decision making power. The hope then was to establish a colony or colonies of pure Christians who together would work towards God's end in exchange for His protection. Those violating the rules would be severly punished.

When established along the coast and rivers of Massachusetts and Connecticut, where summers could be hot and winters damp and cold, the Puritans immediately planted their fields and set to fishing. Blessed with good leadership and a belief in hard work and thrift, the Puritans prospered and grew. The availability of lumber meant that the individual families of Puritans would live in homes constructed of timber and also encouraged the growth of shipbuilding. The need for timber, a saleable and available product, and increased pasturel.nd caused the Puritan to spread out and acquire more land at a rapid rate at gun point if necessary. But small farmers had trouble producing much more than they or their families could consume, therefore cash depended on the sale of lumber or cattle and both depended on constantly increasing land holdings.

Farmers depended on the town -- the center of government and business. Though the government officials were elected, Puritan settlements weren't totally democratic; the elite held the power. Town meetings maintained economic and social order. These meetings made economic decisions about land use and road building while religious leaders set the models for good everyday behavior. The rules were seldom in doubt. In the family, the father stood as the authority figure, the teacher, and the leader of daily prayer. Weakness or disorder in the family was not to be tolerated just as disorder was not to be tolerated in the Puritan community.

EVIDENCE SHEET: The Original Inhabitants/The Mahometan Indians, About 1650
Adopted from Indian Life of Long Ago in the City of New York

The Mahometan Indians, living near rivers and the sea, survived and prospered on a diet of fish, the meat of various small animals and birds, and corn. Deer, ducks and geese frequently supplemented the diet and soups of wild berries and corn must have been common. Much of the land was flat and marshy, but other areas were burned clean of vegetation in attempts to clear away the forest, start grass growing and thereby attract more deer.

These Indians used fire in this way but also employed it to burn out the interior of logs when building canoes. Fire also heated stones for cooking purposes or provided the heat for small cabin-like structures similar to saunas. Sometimes the people would lie-down inside these structures until heated to perspiring; they then crawled out and jumped in cold water. In this way they cleaned their bodies and sought to cure diseases like rheumatism.

Homes varied in size from small single family dwellings to some as long as 60 feet with earth floors, low sides and slits in the roof to allow the smoke to escape. Small entrances forced the occupants to stoop as they entered to do their cooking or return for the night. Several families occupied these houses, cooked on individual fires and ate whenever hungry. Women raised the children, may have been considered the "owners" of the homes, and did the domestic chores which included cultivating the small fields. Apparently the male dominated the society, chose his marriage partner, and was considered the protector. But separation of the family, as among several Indian groups, may have been common and easy. In this case the children went with the mother. Formal education of these children did not exist, but adults consistently passed on the necessary skills.

Explorations about the unknown lay in the hands of the "Shaman" or witch doctor. He cured the sick, passed on the understanding of the afterlife and heaven, and provided order in the society through unwritten rules discerning good and bad behavior, good and bad food, and even the kinds of games to be played. The earth and all of nature as well as the worlds of spirits and dreams were of great importance to these people who depended on nature.

The existence of shell beads, used in part for decorative purposes, might also indicate that the Mahometans used these in simple trading experiences involving other groups of people living nearby. Whether tobacco grew wild or at all in the area at this time remains unclear but that the Mahometans used tobacco cannot be doubted as several words for the plant, pipes and pouches, appear in their vocabulary. This too, may have been a part of the simple trade system producing some contact with nearby peoples, but none with the outside world until the arrival of the Europeans in the early 17th century.

EVIDENCE SHEET: Mandingo People of Western Africa

The Mandingo people numbered perhaps some 90,000 people (1700's) who lived in large compact settlements along the Gambia River in Western Africa. Each village numbered as many as 3,000 people. The primary grouping was around the extended-family with the male line being dominant. The leader of the village was the senior man of the senior branch of the line claiming direct descent from the original founder-settler of the community. He was referred to as the "alkali". His authority was limited by a council of free compound leaders of the village and he governed with their advice. During public trials the "alkali" listened to evidence from both sides and he or other lesser officials would cross-examine the witnesses. Decisions were arrived at with the approval of the audience which was the entire village. Decisions were based upon Islamic law. The Mandingo had three castes: the Foro, or those people who were freeborn members; the Nyamalo, or the artisans which included blacksmiths, leatherworkers, potters, and weavers and praise-singers; and the Jongo, or slaves. A variety of foods was available; however, unproductive planting methods and uncertain rainfall meant that famine was a serious threat. People starved during the rainy season. Rice was an important crop grown along the river chiefly in the fresh-water swamps. In the uplands, millet and corn were grown. These grains were supplemented with meat from antelope or elephant, from gamebirds, or fish. Nomads drifting through the area provided milk from large cattle herds. Cattle were rarely used for meat but were considered a mark of wealth and status. The Mandingo people acted as middlemen for the prosperous Arab trade routes which crossed through the Gambia River valley. Salt was brought up the river from the river's mouth to the Barrakunda Falls where it was loaded on caravans of donkeys for trade eastward. Salt was exchanged for many goods including cloth, hides, ivory, and ornaments of brass, slaves, and beeswax. An interesting person in the Mandingo society was the griot who was the walking, living archive of oral history. The griot was an old man who since his childhood was trained to remember the stories of his clan ever since the clan began--literally centuries of stories. The griot was usually in his seventies and underneath him were men separated by about a decade (sixty, fifty, forty, thrity, twenty, and a teenager). Each line of griots would be the experts in the story of a major family clan. Other lines of griots would be responsible for other family clans. They told their stories in narrative form essentially the same way they had been told down across time since their forefathers.

September 7/13: Two Centuries of Immigrants

TO THE TEACHER:

OBJECTIVES:

1. Given a set of Evidence Sheets containing quotes from immigrants, descriptions about their experiences and statistics, the students should be able to make three accurate statements about the immigrant experience.

2. Given several statements about immigrants, the students will classify these statements and use them to write a paragraph.

3. The students should be willing to participate in group discussions.

PROCEDURES:

On the day before the lesson is used, ask the students to do the following as an introductory exercise:

1. Write down three questions they would ask their ancestors about their immigration or migration experience;

2. Use these questions to interview their parents or relatives on the immigration or internal migration experience of their ancestors.

At this time prepare five or six Evidence Packets for the next day's lesson by duplicating each of the pages entitled Evidence Sheet and cutting along the dashed lines to separate the lettered sections. Each packet should include all the lettered sections.

On the day of the lesson, begin by asking the students for the questions they had written. Write these on the board and tell the class that they will be referring to them later in the period. (Their questions should include: Why did he immigrate? Who immigrated? Where did he go? What did he find? What impact did he have?)

Then divide the class into five or six groups. Have each group select a chairperson and a recording secretary. Distribute the Evidence Packets and explain that each packet contains many pieces of information about the immigration and migration experiences to and within the United States. Each group is to look at all of the evidence sections and compile three statements about the immigration and migration experiences based on them and the questions and answers from their homework assignment. At the end of 20 minutes, ask each group's chairperson to give the best statement his group has made. Record the statement on the chalkboard. Keep repeating this procedure with each group until you have about 15 statements.

Now ask each student to write a general statement (a paragraph) about the immigration experience based upon the statements. After five minutes, ask three or four students to read aloud their paragraphs and have the class comment. Give time for corrections, additions, and improvements and collect the papers.

EVIDENCE SHEET 1

A. Ethnic and Racial distribution of the population in 1790:

19.3% black
81.7% white
Indians not accounted for in the census.
Of the whites, 60.9% were of English stock
8.3% were of Scotch stock
9.7% were of Irish stock
8.7% were of German stock
3.4% were of Dutch stock
1.7% were of French stock
0.7% were of Swedish stock

- -

B. Population by ethnic origin 1971 (total population 202,854,000) rounded off:

English	31,000,000	Spanish	9,000,000
French	5,200,000	Mexican	5,000,000
German	25,700,000	Puerto Rican	1,450,000
Irish	16,326,000	Other	84,692,000 (including 792,730 Indians, 22,000,000 Blacks, Hungarians, Greeks, Czechs, Yugoslavians, Dutch, Japanese, Chinese, Swiss, other Asians, Cubans, Danes, etc.)
Italian	8,733,000		
Polish	4,941,000		
Russian	2,132,000		
		Not Reporting	15,200,000

- -

C. "But faith was not kept with the Mormons who remained in Nauvoo. Although they had agreed to leave in detachments, they were not allowed the necessary time to dispose of their property; and, in September, 1846, the city was besieged by their enemies, upon the pretence, that they did not intend to fulfill the stipulations made with the people and authorities of Illinois. After a three days' bombardment, the last remnant was finally driven out by fire and sword. History of the Mormons, p. 215, 1854.

- -

D. "No Irish Need Apply" (1855).

- -

E. "When we left Cuba three years ago," he said in a hoarse voice, "according to Castro we were in patria--we had lost our country. But ycu cannot lose the country in your heart. You gave us a welcome and a chance to rebuild our lives. Now I feel a love for two countries." (1974)

00019

EVIDENCE SHEET 2

F. Immigration Is At Its Highest Point in Half a Century (Headline, 1975).

- -

G. Under the grandstand of the stadium at the University of Chicago, Enrico Fermi and Szilard designed and built the all-essential atomic pile in which the first controlled atomic chain reaction converted uranium into fissionable plutonium. (early 1940's)

- -

H. Emergency Quota Legislation, 1924. Immigration quotas allotted to specified countries or regions of birth.

Country or Region of Birth (Representative Samples)	Quota for 1924
1. Albania	288
2. Bulgaria	302
3. Czechoslovakia	14,357
4. Germany	67,607
5. Great Britain, Ireland	77,342
6. Greece	3,063
7. Italy	42,057
8. Rumania	7,419
9. Sweden	20,042
10. Africa	104

- -

I. The Vietnamese refugees should be kept out of the United States because there are now nearly 9 million jobless in this nation. (1975)

- -

J. "In the name of God, amen. We whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, etc., having undertaken for the glory of God, and advancement of the Christian faith, and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia,...." Mayflower Compact, 1620.

- -

K. "America for the Americans"

00020

EVIDENCE SHEET 3

L. "Resolved, That it be, and it is hereby, recommended to the several states to pass laws for preventing the transportation of convicted malefactors (bad doers) from foreign countries into the United States." Journal of Congress for 1788, p. 867.

- -

M. "It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens...." President Grover Cleveland in his veto message to the House of Representatives, 1897.

- -

N. "President Gerald Ford assured his press conference last week that he always kept his temper, except for 'occasional outbursts on the golf course.' Nonetheless, he was obviously angry over the callow opposition of some Americans to resettling about 115,000 Vietnamese refugees in the U.S. At a meeting with Republican congressional leaders, the President said that he was 'damned mad' and added: 'It just burns me up. These great humanitarians--they just want to turn their backs. We didn't do it with the Hungarians. We didn't do it with the Cubans. And damn it, we're not going to do it now.' To that end Ford called on Americans to welcome the refugees and Congress to appropriate $507 million to settle them." Time, May 19, 1975, p. 9.

- -

O. We need relief from this pressing evil [expanded immigration] (paraphrased from minutes of A.F. of L. Convention, 1891).

- -

P. "The new wave is the largest since the migration from Europe between 1880 and 1924. This time around, a majority of the immigrants are Asians, Latin Americans and West Indians, though there are also many new arrivals from Southern Italy, Greece and Portugal--parts of Western Europe that are still poorer than the rest...." New York Times, June 8, 1975, article by Susan Jacoby, p. E. 7.

EVIDENCE SHEET 4

Q. "The 100,000 to 150,000 Vietnamese expected to settle here, however, are insignificant in number in comparison with the nearly four million immigrants of the past decade. The arrival of the four million is the result of a little-noticed item on the agenda of liberal domestic legislation passed during the mid-sixties. Signed by President Johnson at the foot of the Statue of Liberty, the 1965 Immigration Bill was the first comprehensive overhaul of a 1924 law that was specifically designed to favor white, Anglo-Saxon, northern European immigrants and stem what was seen as a tide of Eastern European Jews, Slavs, and Italians." New York Times, June 8, 1975, article by Susan Jacoby, p. E. 7.

- -

R. "The way the 1965 law works is complicated, and some critics say, still unfair, in theory and in practice. There is an annual ceiling: 170,000 immigrants from the Eastern Hemisphere (Europe and Asia) and 120,000 from the Western Hemisphere (North and South America). But members of the immediate family of an American citizen, a spouse, children and parents, may be admitted to the United States without limit." New York Times, June 8, 1975, article by Susan Jacoby, p. E. 7.

- -

S. "Even before the recession, there had been opposition to continued immigration, partly because it is in conflict with the goal of zero population growth. Advocates of a more liberal policy say that immigration brings an essential vitality, rather than a drain, on the country's resources." New York Times, June 8, 1975, article by Susan Jacoby, p. E. 7.

- -

T. "Generally our animals are larger here than they were in our home parish in Norway.... Our cows milk very well, and the milk and cream are richer here than they were in Norway."

Letter from a resident of Carver County, Minnesota, to Friends, October 23, 1858, printed in Theodore C. Blegen, ed., Land of Their Choice: The Immigrants Write Home, Minneapolis, The University of Minnesota Press, 1955.

EVIDENCE SHEET 5

U. A president of a bank in Miami: "I was chief auditor of Cuba's largest bank when Castro nationalized the banks in October, 1960. I resigned the same day. I believed too strongly in freedom and democracy and the free enterprise system; I definitely could not work for a Communist regime."

- -

V. A judge administering citizenship to a group of Portuguese-Americans: "My father came here as a poor Italian immigrant some eighty years ago. I think of the day he took his oath of allegiance as you will today. How could he have dreamed that someday his son would be sitting on this bench--perhaps the very court where he swore his own allegiance to the United States. Keep alive the heritage and culture of your homeland. When people like you become citizens, America is enriched. I ask you to hold your citizenship dear--to hold it sacred. Love your country." (1974)

- -

W. When the ships (bringing German immigrants to Pennsylvania) landed at Philadelphia after their long voyage, no one is permitted to leave them except those who pay for their passage or can give good security; the others, who cannot pay, must remain on board the ships till they are purchased, and are released from the ships by their purchasers. The sick always fare the worst, for the healthy are aturally preferred and purchased first; and so the sick and wretched must often remain on board in front of the city for two or three weeks, and frequently die....

The sale of human beings...is carried on thus: Every day Englishmen, Dutchmen and High-German people come from the city of Philadephia and other places...say twenty, thirty, or forty hours away...and select among the healthy persons such as they deem suitable for the business, and bargain with them how long they will serve for their passage-money, which most of them are still in debt for. When they have come to an agreement, it happens that adult persons bind themselves in writing to serve three, four, five, or six years for the amount due by them, according to their age and strength. But very young people, from 10 to 15 years, must serve till they are 21 years old.

Many parents must sell and trade away their children like so many head of cattle; for if their children take the debt upon themselves, the parents can leave the ship free and unrestrained...it often happens that such parents and children, after leaving the ship, do not see each other again.... Gottlieb Mittleberger, Journey to Pennsylvania in the Year 1750 and Return to Germany in the Year 1754 (1898), translated by Carl T. Eben, pp. 24-29.

- -

X. "-to every man his chance
"-to every man, regardless of his birth, his shining golden opportunity
"-to every man the right to live, to work, to be himself, and to become whatever his manhood and his vision can combine to make him
"-this, seeker, is the promise of America."

Thomas Wolfe from the play, "You Can't Go Home Again", 1940.

September 14/20: Out of Many, One

TO THE TEACHER:

OBJECTIVES:

1. Each student should be willing and able to make a statement about the desirability of separation or assimilation as an American goal.

2. Given a collection of words or statements about separation and assimilation, students should be able to classify each and provide a reasonable explanation of his or her work.

3. Given a blank, hypothetical map of a community, students should be able to "distribute the population" in a way consistent with his or her values.

(The lesson focuses on the calendar sub-question: Is it better to remember or forget?)

PROCEDURES:

At the close of the period on the day before the lesson is to be used, hand out copies of pages three to five to each student. Ask the students to read the miscellaneous collection of phrases, words and sentences and classify them as directed, and use all or part of the questions found on the page five of the handout. Explain that in Question 1, the P means pro-separation and the A means assimilation. Make sure the students understand the meaning of these terms before doing the assignment.

To open the period when the lesson is actually used, you might use any or all of the following questions to open the 5-10 minutes discussion: (rely on the handout questions as the basis of the discussion if you wish)

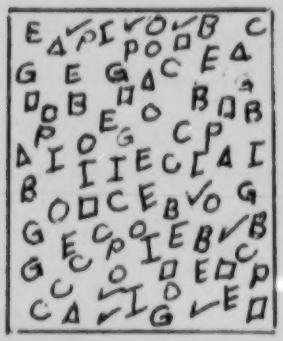
a. How many of the items did you classify as "P"?
b. Which one did you find to be most difficult to deal with?
c. What advantages are there to separatism? to assimilation?
d. Did you find any evidence to indicate that the question is not a new one? If so, what?
e. Which position do you favor?

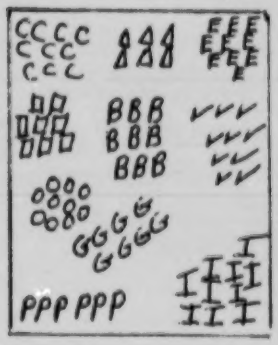
Next, distribute the blank map and key, one to each student in the class. Remind them of their answers to "e" above, and tell each student, based on his value system, to distribute the population on the map according to its numbers as indicated by the key. You might wish to walk around the room and assist those who are having difficulty with the key. In this way, too, you should be able to locate two maps which are taking shape quite differently; those maps might be good ones to discuss first since they represent divergent points of view.

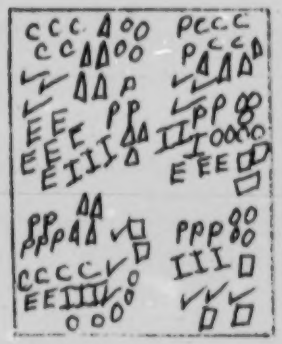
When adequate time has been provided for the map construction, you might want to deal with the following kinds of questions (it seems to us that at least four different map shapes might be produced).

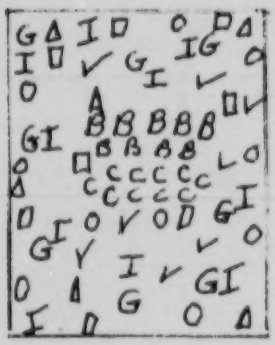
00024

Total Assimilation	Total Separation	Partial Assimilation	Complete Separation of two groups, Remainder Assimilated
1.	2.	3.	4.









Start the questioning with one of the more "out-going" students:

a. How did you distribute the ethnic or racial population?
b. Why did you do it as you did?
c. What kinds of problems might occur if the population is distributed that way?
d. To a student with a different organizational scheme you might ask, how is your map different than the other just discussed?
e. What kinds of problems might your people face, not faced by those on the previous map?
f. Can anyone else see another way to organize the people?
g. What kinds of problems have you avoided and/or created?
h. What does your organizational scheme tell you about your values?
i. Are there even better ways to organize this community?

Students may want to discuss changes in attitudes of people over time, the reasons why people favor separation or assimilation, or they may want to propose alternatives or blends of the proposals already made.

A major goal of the lesson is to provoke a discussion which deals with the central question: Should we remember who we are or forget? Is it better to emphasize differences or similarities?

Some students may talk about the advisability of being "one" at some levels but being separate at other levels. If the discussion should go along these lines, provide some direction and some probing subquestions. Sociologists talk in terms of primary and secondary associations-family, peer groups, neighborhoods, etc. on the one hand with the church, economic system, political system on the other.

Close this lesson, using about the last ten minutes of the period to ask these questions:

-Why do some people today want to be known as Italian-Americans, Black-Americans, Chinese-Americans, Mexican-Americans, etc.?
-Should the public school act as an assimilating agent?

ERIC

DO WE WANT A MELTING POT?

1. Irish-Americans
   Mexican-Americans
   German-Americans
   Chinese-Americans
   Italian-Americans
   Vietnamese-Americans
   Japanese-Americans
   Polish-Americans
   Black-Americans
   Hungarian-Americans
   Cuban-Americans
   Puerto Rican-Americans

2. *E Pluribus Unum*

3. Tightly knit ethnic groups help keep cultural traditions alive, provide us with preferred associates, help organize the social structure, offer opportunities for mobility and success, and enable men to identify themselves in the face of chaos.

4. A leading spokesman for the black community commented, "...we will always want to preserve our ethnicity, our community. We are a distinct cultural group, proud of our culture and our institutions, and simply want to be left alone to lead our good, black lives."

5. From the Alcatraz Proclamation (1969), "We (American Indians) will further guide the inhabitants in the proper way of living. We will offer them our religion, our education, our lifeways, in order to help them achieve our level of civilization and thus raise them and all their white brothers up from their savage and unhappy state."

6. Cubans have been streaming into Florida since 1959. Today (1975) officials estimate that over 400,000 Cubans have migrated to this state, particularly in the area around Miami. They now own and operate more than 7,000 businesses in Dade County, which includes Miami. "Little Havana", as it is popularly called, sprawls across hundreds of blocks in the city. The businesses include:

   -four Cuban-run radio stations
   -one TV channel with only Spanish speaking programs
   -one daily newspaper with a circulation of 65,000
   -17 private schools
   -11 medical clinics
   -40 percent of all new construction involved Cuban builders
   -50 percent of hotel staffs are Cubans
   -A Cuban published phone book has 376 pages devoted mainly to Latin-American names and businesses in the Miami area.

7. More than 100,000 Portuguese have immigrated to the United States in the past 10 years (1965-1975). Fall River, Massachusetts, is the center of the New England's Portuguese communities. Relationships among the various ethnic groups in the city have always been good. One interesting incident occurred several years ago when the Portugese-Americans were celebrating the 800th aniversary of Portugal's birth. They had commissioned for a statue of the famous Prince Henry the Navigator. However, the statue was erected in the heart of the city's French-Canadian community. The French got a bit excited and there was some talk of tearing down the statue. But then, the word got out that some Portuguese were going to pull down the statue of Lafayette. Things quieted down after that.

8. From John Winthrop-1630, (on establishing a religious community in Massachusetts), "The end is to improve our lives to do more service to the Lord; the comforte and encrease of the body of Christe, whereof we are members; that ourselves and posterity may be the better preserved from the common corruptions of this evill world, to serve the Lord and worke out the Salvation under the power and purity of his holy ordinances. 4thly for the meanes whereby this must be effected."

9. From the drama, "The Melting Pot", by Israel Zangwill, 1908, "American is God's crucible, the great Melting Pot where all the races of Europe are melting and re-forming! Here you stand, good folk, think I, when I see them at Ellis Island, here you stand in your fifty groups, with your fifty languages and histories, and your fifty blood hatreds and rivalries. But you won't be long like that, brothers, for these are the fires of God you've come to--these are the fires of God. A fig for your feuds and vendettas! Germans and Frenchmen, Irishmen and Englishmen, Jews and Russians--into the Crucible with you all! God is making the American.... Yes. East and West, and North and South, the palm and the pine, the pole and the equator, the crescent and the cross--how the great Alchemist melts and fuses them with his purging flame! Here shall they all unite to build the Republic of Man and the Kingdom of God.... Ah, Vera, what is the glory of Rome and Jerusalem where all nations and races come to worship and look back, compared with the glory of America, where all races and nations come to labour and look forward."

10. From William Penn, 1782, "Now this great God hath been pleased to make me concerned in your part of the world; and the King of the country where I live hath given me a great province therein' but I desire to enjoy it with your love and consent, that we may always live together as neighbours and friends; else what would the great God do to us, who hath made us (not to devour and destroy one another, but) to live soberly and kindly together in the world!"

11. From a letter of an anonymous immigrant, 1913:

I'm in this country four months.... I am polish man. I want be american citizen --and took here first paper.... But my friends are polish people--I must live with them--I work in the shoes-shop with polish people--I stay all the time with them --at home--in the shope--anywhere.

I want live with american people, but I do not know anybody of american. I go 4 times to teacher and must pay $2 weekly. I wanted take board in english house, but I could not, for I earn only $5 or 6 in a week, and when I pay teacher $2, I have only $4-$3 and now english board house is too dear for me. Better job to get is very hard for me, because I do not speak well english and I cannot understand what they say to me. The teacher teach me--but when I come home--I must speak polish and in the shop also. In this way I can live in your country many years--like my friends--and never speak--write well english--and never be a good american citizen. I know here many persons, they live here 10 or moore years, and they are not citizens, they don't speak english, they don't know geography and history of this country, they don't know constitution of America.-nothing. I don't like be like them I wanted they help me in english-they could not--because they knew nothing. I want go from them away. But where? Not in the country, because I want go in the city, free evening schools and lern. I'm looking for help. If somebody could give me another job between american people, help me live with them and lern english--and could tell me the best way how I can fast lern-it would be very, very good for me. Perhaps you have somebody, here he could help me?....

12. From a circular of the High Council (Mormons), January 20, 1846, "We, the members of the High Council of the Church,...intend to set out into the Western country...a company of pioneers.... Our pioneers are instructed (to)...find a good place to make a crop, in some good valley...where they will infringe upon no one, and be not likely to be infringed upon.

QUESTIONS

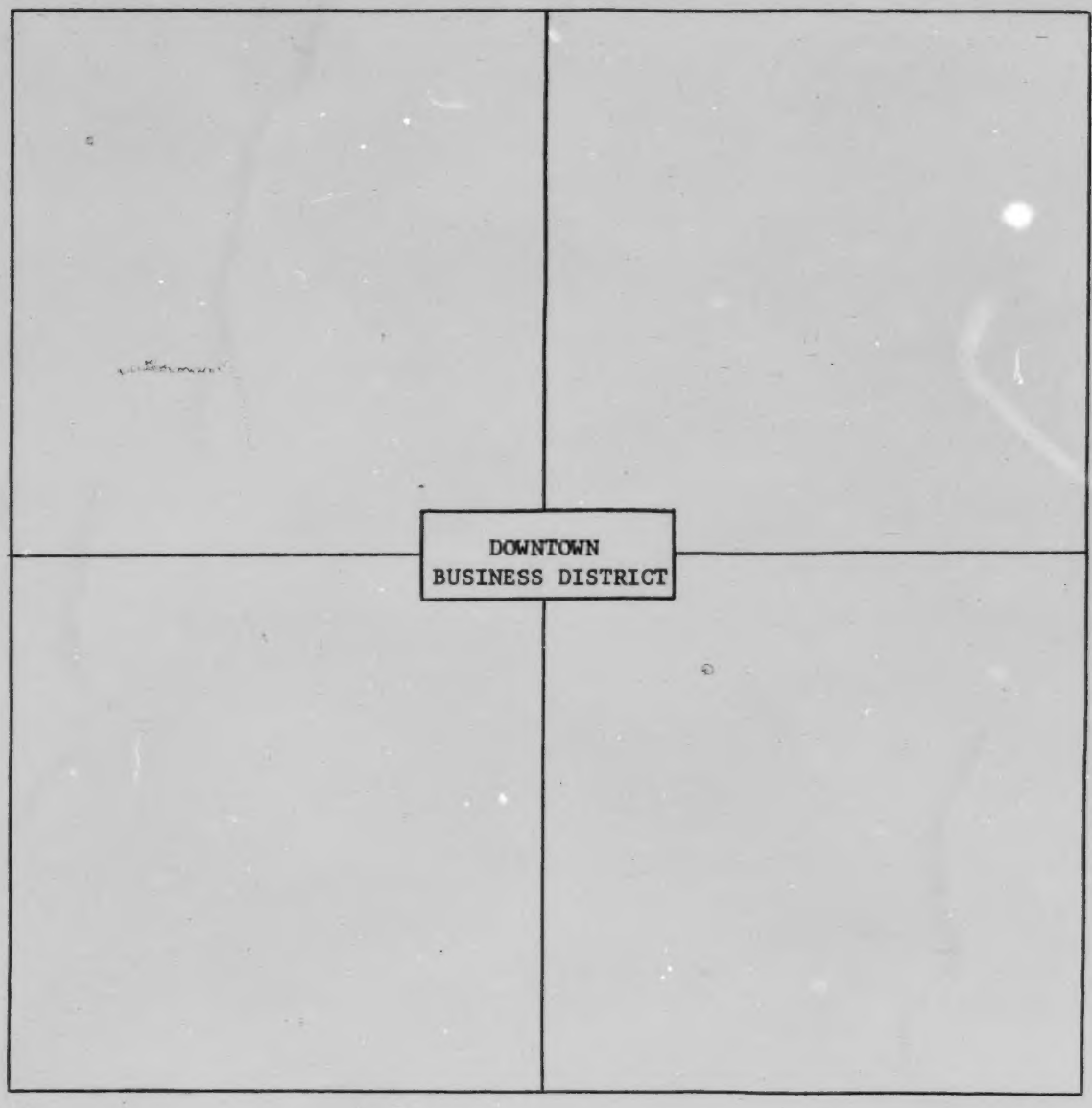
1. Place the letter P in front of those statements which favor separation and a letter A for those statements which favor unification of the various peoples;

2. What conclusions about American Society do you arrive at after reading these statements?

3. What, according to the Polish immigrant, were the things he thought he should do to become a true American? If he could have done what he wanted, do you think he would have been accepted as a true American?

4. What are five reasons why people tend to group themselves into ethnic groups?

PLAN A COMMUNITY



Distribute the Ethnic and Racial Population

KEY

Each:					
	C	represents	100	Chicanos (CCCCCCCCCC)	= 1000
	□	"	100	Chinese (□□□□□)	= 500
	E	"	100	English (EEEEEEEEEEEE)	= 1200
	B	"	100	Blacks (BBBBBBBBBBB)	= 1100
	G	"	100	Germans (GGGGGGGGG)	= 900
	+	"	100	Cubans (+++)	= 300
	V	"	100	Vietnamese (VV)	= 200
	I	"	100	Irish (IIIIIIIIII)	= 1000
	O	"	100	Italian (OOOOOOOOOO)	= 1000
	P	"	100	Polish (PPPP)	= 400

"OUT OF MANY, ONE": I/3/6

September 21/27: We Pledge Allegiance . . .

TO THE TEACHER:

OBJECTIVES:

1. Students should be able to write a definition of patriotism and be willing to revise that definition where it seems inconsistent with their oral arguments.

2. Each student should be able to take a public position on at least one of the Value Dilemmas.

(This lesson focuses on the calendar sub-question: Who is the real patriot?)

PROCEDURES:

On the day before this lesson is to be used, ask each student to consider the term patriotism and bring his or her short definition in written form to class on the day the lesson is actually used.

Before the class begins, you might wish to write on the chalkboard some of the following statements about patriotism as seen by people in the past and the present. These statements could serve two purposes: a) as the lesson progresses, you might want students to react to them, or b) you might ask about how one who holds one of these definitions would react to the Value Dilemma under discussion.

1. "Our country right or wrong." Stephen Decatur, 1816.
2. "Anyone who says patriotism is my country right or wrong ought to have his head examined." Jane Fonda, 1970.
3. "Love of country and readiness to act in its best interest as indicated by individual conscience and judgment." From Patriotism In America by John J. Pullen, American Heritage Press, 1971, p. 20.
4. "Our country right or wrong, when right, to be kept right, when wrong to be put right."
5. "America. Love it or leave it."

Begin the lesson by asking several students to read their definitions. Make no judgments about the statements as they are being read, but do call attention to points at which the statements vary in nature. The greater the variety the more viable will be the remainder of the lesson, for varied ideas will provoke greater participation in the Value Dilemmas to follow.

There are several ways of handling the Value Dilemmas which are included in this lesson. Since each of the four Dilemmas focuses on a fictional conversation, you may involve at least 8 students by asking them to read the discussions orally. Or, if you prefer, you could duplicate enough copies of each of the four Value Dilemmas so that students may read them silently and individually. The two approaches could be mixed, i.e. some of the Dilemmas could be read by all of the students while others could be dramatized. We would suggest though that only one of the Value Dilemmas be used at a time so that the issue remains as clear in the minds of the students as possible.

00030

Present the Dilemma and then open the class for discussion. When the issue has been discussed for what appears to be an adequate length of time and when the class has reached some form of consensus, you might wish to present the analogous case suggested at the bottom of the Value Dilemma sheet. It would add to the effectiveness of the lesson if you could propose other analogous cases which spring from the discussion and which would further force students to confront the issue.

Encourage students to add to, delete from or in other ways alter their original definitions of patriotism as the lesson progresses.

We would suggest that you close the lesson by either composing a class definition of patriotism by jointly putting a statement on the chalkboard, or the lesson could be closed by providing a few minutes for students to refine their definitions from the previous night before handing them in to you.

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00032

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DILEMMA #1

THE SETTING: A farmer's house, Massachusetts, 1774.

WIFE: But, John, you just can't continue to speak out against the Sons of Liberty! Father would understand if you would keep quiet. After all, he is in England, thousands of miles away and he just doesn't understand the situation here at all.

JOHN: Hush woman! I must speak out. What they are doing is wrong. Who was it who cleaned off the tar from Andrew's body? Who was it who peeled away the burnt skin from his arms? Who treated his infection? You and me. And you say that we shouldn't speak out against such things? They call tarring and feathering someone an act of patriotism. I say they are wrong!!!

WIFE: Alright go ahead and protest and see where it gets you. Just the other day Peter Graves, that leader of the Sons of Liberty, posted a warning to all who didn't go along with the group. You saw it. You read where they threatened any one who professed a loyalty to the crown with banishment at best and hanging at worst. You must listen to them. They are stronger and have more men.

JOHN: But they aren't the government. The King is the government and just as that minister said, I'd rather be ruled by one tyrant 3 thousand miles away than by three thousand tyrants not a mile away. There is no such thing as a Government of America. Our government is in England. That is where we came from, that is where are parents are, that is the country I served in the French and Indian wars.

WIFE: You saw what they did to Oliver, and all he was trying to do was enforce the existing laws. They hanged him in effigy, they vandalized his house, they bullied him and every other tax collector. Then they dragged him to the Liberty tree and forced him to resign. Please John listen....

JOHN: Yes! Yes! Yes!...listen and learn. That's all you say. Well, the law is the law and even though I might disagree with it--it is the law. If the Sons of Liberty are so patriotic then they can go through the courts to correct the problem. And anyway, the taxes aren't that heavy. Besides, the taxes are to repay the support by the English soldiers during the French wars and those wars were to protect us--you and me and Andrew and Peter Graves and all of those Sons of Liberty. No, woman, I must continue to protest against these Sons. They are using violence. They are against the only government we have.

QUESTIONS:

1. Would you consider John a patriot? Why or why not?

2. Suppose an American living in Hawaii in the late 1800's (at that time Hawaii was a sovereign nation) was actively involved in an organization aimed at overthrowing the Hawaiian Queen and bringing the island under the control of the U.S., would you consider him a patriot?

DILEMMA #2

THE SETTING: New York, 1847.

In 1846, President James K. Polk ordered troops under General Zachary Taylor into a piece of territory involved in a dispute between Texas and Mexico. The Mexican army responded and Polk requested that Congress pass a war and appropriations bill. Many leading citizens protested the action. The following fictional conversation between Henry David Thoreau, a leading critic of the government's policy; and the Secretary of State, a supporter of the government's action, should raise a question about patriotism.

SEC: The President and the Congress have spoken, men are dying in the field under the flag of the United States. You cannot refuse to pay taxes to support those men, that government and this war.

THOREAU: I am disgraced to be associated with this government. I have no obligation to it. My only obligation is to do at any time those things which I think right.

SEC: No country could remain a country for long if the majority of its citizens felt as you apparently do. How can you in good conscience refuse to pay parts of your taxes? Once the representatives of the people have discussed an issue, and voted on it in a proper way, it becomes your obligation to support it all, not the selective parts with which you happen to agree.

THOREAU: Wrong, Mr. Secretary. Majority rule cannot always be correct. At those times when the majority is in the wrong, I am obliged by my conscience to protest. I am under no obligation to obey unjust laws and the laws in support of this unjust and immoral war with Mexico must be broken.

SEC: If you feel that laws are unjust, we in a democratic society have steps, legal steps to correct these laws. A society cannot hold itself together if each member of that society goes his own way as he sees fit.

THOREAU: The ways of which you speak take too long. They take too much time, and a man's life will be gone too soon. And as for your last point, it seems to me that it would be better that an unjust society or country not be held together. We have been unjust in our relations with Mexico and with the Black man in America. The only just place for a just person to be is in prison. If thousands of just people would not pay their taxes to support the war machine or the slavery machine, that machine would grind to a halt for lack of dollars to keep it going.

SEC: What you propose in attacking the duly elected government in this way borders on treason or revolution. I hope you realize what you are proposing.

THOREAU: Do you think that Americans have so soon forgotten the words of people like Thomas Jefferson, that revolution is almost an obligation when the government becomes so corrupt and misdirected? We must cast our votes for peace and freedom now by filling the jails if need be.

QUESTIONS:

1. Keeping in mind your definition of patriotism, was Thoreau a patriot?

2. If the government should pass a law which seemed very unjust to you, would you have the right or would it be your duty to withhold the part of your taxes which support that law?

WE PLEDGE ALLEGIANCE...: I/4/4

DILEMMA #3

THE SETTING: A Federal courtroom in Washington, D.C., 1976.

MAY: Alright, JoAnn, now where did all of that publicity get you? You've lost your job. You've lost some friends. And you will probably be put in jail when the judge sees you tomorrow. I told you you should have kept your mouth shut.

JO ANN: You mean like you have kept your mouth shut? I just don't see how you could work in that office all of these years and not protest. Didn't you see what was going on or didn't you care or didn't you know it was all wrong. No--despite all that is going to happen, what I did was right for the country and nothing can change my mind.

MAY: Sure, I knew what the government was doing wasn't quite right or at least I think it wasn't right. But those officials are elected because they have the knowledge and the expertise. They should know what is best for the country. After all, they deal in high level matters all the time. They see the big picture and we don't....

JO ANN: They see the big picture...ha! This is a democratic nation and the people need to be informed of what is going on. Those bosses aren't always right. They can make mistakes and you know who suffers? The little man all the time. The only way to make sure this government doesn't lead us to another Vietnam is to make sure what they do and what they write, and the treaties they make are put into the public's eye. Otherwise some secret treaty with a silly little dictator is going to lead us into war and....

MAY: And so you leaked the treaty to the newspaper!!

JO ANN: Damn right I did, and you know May, I'd do it again!!

MAY: But it was wrong. You had that position because the government trusted you. You signed a loyalty oath swearing to uphold the laws of the nation and to protect its interests. And I did too, and that is one of the reasons I do not go along with your actions. Of course, I had access to the same information all of these years but as I said before, this nation must protect itself against the other side and we can't do it alone. We need allies even if they are dictators.

JO ANN: That secret treaty is with a man who is a vicious, racist demagogue and who quite easily might provoke a war just because he has our big, bad country to bail him out. And it would be our sons who would die for that man.

MAY: Better to stop the enemy over there in that country's streets than here in our city's streets. No, JoAnn, what you did was unpatriotic. Because of your release of that treaty to the news you have compromised our country's government's position and we might lose the bigger war as a result.

QUESTIONS:

1. Who is the patriot--JoAnn or May? Why?

2. Suppose in the above dilemma situation that JoAnn were a member of the Communist Party (which is legal) in the U.S. and had turned over the information to a foreign power in order to "avoid a war". Would you consider her a patriot? Why of why not?

WE PLEDGE ALLEGIANCE...: I/4/5

28:00036

DILEMMA #4

THE SETTING: U.S. Army Post, South Dakota, 1864.

INDIAN: I do not care for the white people's war, nor their cities, nor their families. I only care for my people. We were here centuries before the white people even knew this land existed. We have a right to this land. You do not belong.

CAPTAIN: Look, Indian chief, I am not here to argue about whose land this is or isn't or how long you've been here. What I am concerned about and what all of these people are mad about is your driving off of their cattle. We need these cattle to feed our armies back east and we need that grazing land. If we don't have access to that land then my men must take further action.

INDIAN: You and your Buffalo soldiers are always taking further action. First you gave us that land to the south of the river forever and ever. Then after forever became yesterday you moved us north of the river and again forever and ever. When will this forever end? Tomorrow? That land is my people's land. If your cattle are driven across for grazing or even if they stray across we will take them. My people have lived through a severe winter and they are starving. You promised food. Where is the food? I say that the cattle are ours. They are on our lands. They are ours.

CAPTAIN: They are not! And the way things are going, I question whether that land is yours, The land belongs to the American people. You are an American and so are all of these settlers in this room. They are doing their share in support of the war and you must do yours.

INDIAN: Why? In what way am I an American? Just because I live here? What rights do I have--here on this reservation? The war is not mine. We do not vote for the government.

CAPTAIN: Sure and you also don't have to pay any taxes nor are you drafted for the war, and at the same time the government protects you. But that isn't the issue. What is the issue is that you are interfering with a legitimate government action; namely, the contracting with these people to provide meat and leather for the army. And these people need grazing land if they are to meet these needs. Our country is engaged in a life and death struggle and any person or group which commits acts hindering the government's action also commits acts of treason. You sir, and your people are helping the enemy. The nation's existence is more important than the existence of any single person or group.

INDIAN: All we ask is to be left alone. The land you have graciously allowed us to keep is not much. Yet, the whites keep moving in. And who protects us against them? Your government? Yes, it will protect as long as it suits its purposes. No, I must turn down your argument. My patriotism is to my people first. I will suffer the consequences.

QUESTIONS:

1. Is the Indian chief a patriot? How would you define patriotism in this dilemma?

2. A poor, ghetto-dwelling Chicano man of 20 refuses to enter the army and fight in an Asian war against other non-whites on the grounds that he is not really a citizen of this white society. Is he patriotic?

WE PLEDGE ALLEGIANCE...: I/4/6

The Land of Plenty

September 28 through October 25, 1975

September 28/ October 4: A Shrinking Frontier?

TO THE TEACHER:

OBJECTIVES:

1. Students should demonstrate their ability to construct a simplified conceptual scheme describing a new frontier, after having been guided through construction of one of the former American frontiers.

2. Each student should be able to make an oral contribution to the discussion centering on the American frontier or the frontier in space.

This lesson deals with the calendar question: "Is the American frontier shrinking?"

PROCEDURES:

On the day before the lesson is to be used, send home with each student pages two and three. Ask students to read these excerpts from the writings of Frederick Jackson Turner and Walter Prescott Webb and think about the questions at their close.

At the beginning of the period in which the lesson is actually used, write the following skeletal outline on the chalkboard:

THE AMERICAN FRONTIER

Physical characteristics:
Reasons for settlement:
Settled by whom:
Impact of the Frontier on settlers': a. Short-term b. Long-term
    Economic position:
    Respect for authority:
    Self-reliance:
    Habits of mind:
Impact of Frontier on Western Civilization's:
    Political system:
    Economic system:

Then ask members of the class to propose how this skeletal outline should be developed to record the assertions of Turner and Webb about the American Frontier. (i.e. What propositions are put forth, or implied by the authors in describing the physical characteristics of the frontier, its impacts, etc.) After twenty minutes or so the class, with your guidance, should have completed a simplified outline of the way these historians portray this frontier and its effects.

Next hand out page four and ask the students quickly to read its description of "Space Colonization." Then ask the class to suggest how the same skeletal outline might best be filled out to describe that space frontier. Ask them to provide speculative answers about its character and results wherever the reading does not propose answers. (Alternatively, have each student do this in writing.)

Conclude by asking the class: "Could individualism and democracy develop, or even survive, in such a space colony?"

000038

Excerpts from FREDERICK JACKSON TURNER, "The Significance of the Frontier in American History," American Historical Association, Annual Report, 1893, pp. 199-227.

-"Up to our own day American history has been in a large degree the history of the colonization of the Great West. The existence of an area of free land, its continuous recession, and the advance of American settlement westward, explain American development...."

-"The peculiarity of American institutions is, the fact that they have been compelled to adapt themselves to the changes of an expanding people--to the changes involved in crossing a continent, in winning a wilderness, and in developing at each area of this progress out of the primitive economic and political conditions of the frontier into the complexity of city life...."

-"The American frontier is sharply distinguished from the European frontier--a fortified boundary line running through dense populations. The most significant thing about the American frontier is, that it lies at the hither edge of free land...."

-"The frontier is the line of most rapid and effective Americanization. The wilderness masters the colonist. It finds him a European in dress, industries, tools, modes of travel, and thought. It takes him from the railroad car and puts him in the birch canoe. It strips off the garments of civilization and arrays him in the hunting shirt and the moccasin. It puts him in the log cabin of the Cherokee and Iroquois and runs an Indian palisade around him. Before long he has gone to planting Indian corn and plowing with a sharp stick; he shouts the war cry and takes the scalp in orthodox Indian fashion. In short, at the frontier the environment is at first too strong for the man. He must accept the conditions which it furnishes, or perish...."

-"...when it becomes a settled area the region still partakes of the frontier characteristics. Thus the advance of the frontier has meant a steady movement away from the influence of Europe, a steady growth of independence on American lines."

-"...the advance of the more steady farmer is easy to understand. Obviously the immigrant was attracted by the cheap lands of the frontier, and even the native farmer felt their influence strongly. Year by year the farmers who lived on soil whose returns were diminished by unrotated crops were offered the virgin soil of the frontier at nominal prices. Their growing families demanded more lands, and these were dear. The competition of the unexhausted, cheap, and easily tilled prairie lands compelled the farmer either to go west and continue the exhaustion of the soil on a new frontier, or to adopt intensive culture...."

-"...the most important effect of the frontier has been in the promotion of democracy here and in Europe. As has been indicated, the frontier is productive of individualism. Complex society is precipitated by the wilderness into a kind of primitive organization based on the family. The tendency is anti-social. It produces antipathy to control, and particularly to any direct control. The tax-gatherer is viewed as a representative of oppression.... The frontier individualism has from the beginning promoted democracy.

The frontier States that came into the Union in the first quarter of a century of its existence came in with democratic suffrage provisions, and had reactive effects of the highest importance upon the older States whose peoples were being attracted there. An extension of the franchise became essential...."

A SHRINKING FRONTIER?: II/1/2

FREDERICK JACKSON TURNER (continued)

-"For a moment, at the frontier, the bonds of custom are broken and unrestraint is triumphant. There is not *tabula rasa*. The stubborn American environment is there with its imperious summons to accept its conditions; the inherited ways of doing things are also there; and yet, in spite of environment, and in spite of custom, each frontier did indeed furnish a new field of opportunity, a gate of escape from the bondage of the past; and freshness, and confidence, and scorn of older society, impatience of its restraints and its ideas, and indifference to its lessons, have accompanied the frontier."

Excerpts from WALTER PRESCOTT WEBB, The Great Frontier, Houghton Mifflin Company, Boston, 1952, pp. 413-414.

-"This book is based on the hypothesis that the Great Frontier as defined has been one of the primary factors in modern history. The major premise is that the sudden acquisition of land and other forms of wealth by the people of Europe precipitated [started] a boom on Western civilization, and that the boom lasted as long as the frontier was open, a period of four centuries. A corollary [related idea] of the major premise [thought] is that our modern institutions, as distinguished from medieval, were differentiated [made different] and matured during a boom, and are therefore adapted to boom conditions...."

-"It was the constant distribution on a nominal or free basis of the royal or public domain that kept the boom going, and that gave a peculiar dynamic quality to Western civilization for four centuries. It was in this atmosphere and under these conditions that democracy, capitalism, and individualism of the modern type came to their dominant position...."

-"...Will the boom caused by the opening of the frontier continue now that the frontier has closed? ...in so far as it was dependent on an open frontier, on the presence of free land, on a high land-man ratio, the boom must slacken. Whether other factors, such as science may offer, can act as a substitute boom-maker remains to be seen...."

-"If another force comes in to substitute for the frontier, it will bring with it a new set of needs and will call for a sweeping discard or modification of many ideas and practices."

QUESTIONS:

1. What kind of frontier are Webb and Turner talking about?

2. Why does Turner believe "democracy" is the product of this kind of frontier?

3. Would advances on, say, a "scientific frontier" have the same impact on the character of individuals and on their political beliefs? Would colonization of space?

SPACE COLONIZATION

Physicist Gerard K. O'Neill of Princeton has proposed an exciting project involving space colonies. He feels such colonies would help alleviate crowded conditions, increasing energy shortages, and pollution. The scheme calls for assembling large aluminum cylinders at "liberation points" where the gravity of the earth and the moon cancel each other out. Each pair of huge cylinders (1,100 yards long and 220 yards in diameter) would be a self-contained community housing 10,000 people. The cylinders would rotate slowly, thus simulating gravity and holding the inhabitants, their buildings and animals, and the soil onto the inner surfaces. Inside, the cylinders would contain an atmosphere like the earth's with water, farm land, and a variety of flora and fauna. Sunlight would provide the power. Large external mirrors would capture the light and would be controlled in such a way as to create the effect of night and day and even the seasons.

O'Neill and his colleagues think the first colony would be at a spot equidistant from earth and the moon. At this point L5, as it would be called, would set up a receiving station for mining materials shot up from the moon. The lunar rocks, composed of such ores as iron, titanium and bauxite would be gathered by a mining base on the moon's surface. From there the rocks could be fired off by a catapulting device. They would slowly climb out of the moon's gravity and eventually arrive at the colony. Using the moon as a source would be much cheaper than sending the ores from the stronger gravity area around earth.

The colonies could also engage in space manufacturing. As an example, they could construct large turbogenerators driven by sunlight. They would be much easier to build in the gravity-free environment around the cylinders than back on earth. And when finished they could be towed back to the vicinity of the earth, parked in a fixed orbit and used to relay solar power down to earth as a beam of microwaves.

Though the colony idea sounds like something out of 2001, the idea is a feasible one and quite within existing capabilities and technology. Dr. O'Neill feels that we could launch such colonies within the next 30 years. Many basic questions need answers such as the source of monies necessary for such a venture, selection and training of colony inhabitants, the psychological and social impact on a person moving from earth to the colony, and what kind of meat the colonists will eat (the decision is for rabbits, chickens, and pigs rather than cattle).

Care to sign on?

October 5/11 The Sprawling City

TO THE TEACHER:

OBJECTIVES:

1. Given percentage figures and several models, the students should be able to construct a fifth population pyramid.

2. Using five population pyramids, statistical data and maps, students should be able to establish reasonable hypotheses in response to the questions either set forth by the teacher or on the worksheet and discuss these tentative answers.

PROCEDURES:

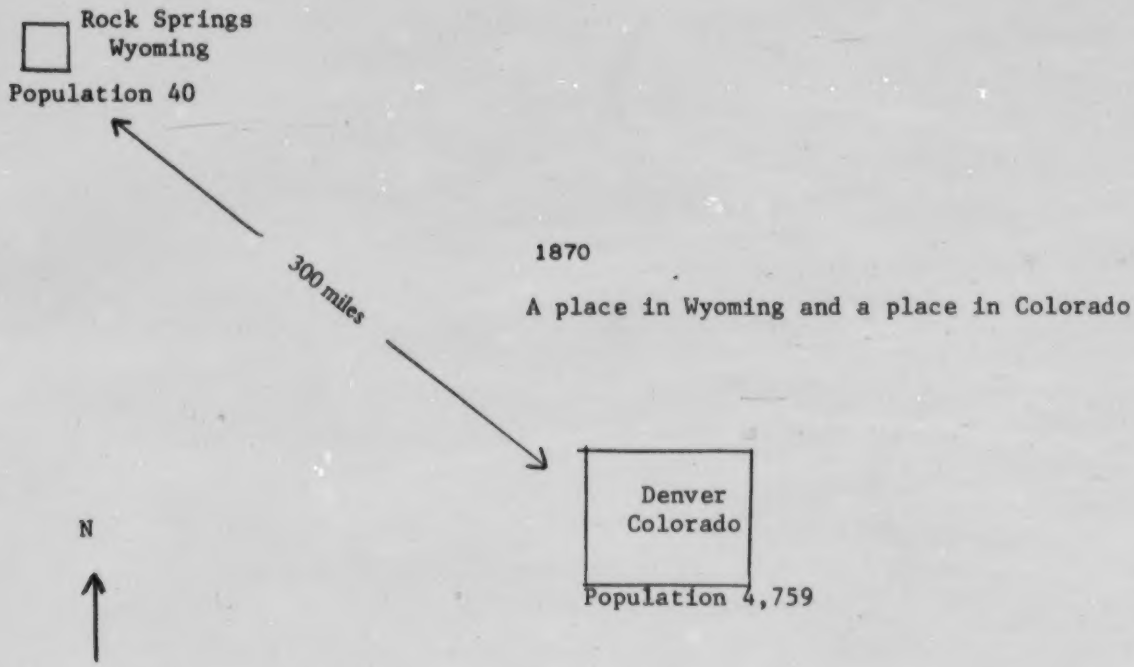
(This lesson attempts to establish a general perspective on the growth of towns, cities and suburbs. But the thrust is directed toward the building of some statistical skills and the awareness of similarities and differences in these three kinds of communities. Though the information itself is accurate generalizing about all cities, suburbs and towns from this one lesson would be misleading.)

Begin by handing out the maps (page two) and ask students to make as many statements as possible about the kinds of changes indicated by the two maps. You might also spend a few minutes generating ideas about the kinds of problems suggested by the changes, reasons for the changes, and advantages of the changes.

Next, hand out pages three and four--Population Pyramids, and discuss the mechanics of this kind of graph. Have each student complete the unfinished graph on his own. While the class is doing so, hand out pages five and six. Page five asks students to hypothesize about the nature of the five communities, while page six, "Supporting Evidence", gives clues to help identify the communities. Remind students that the second of the two maps contains some clues.

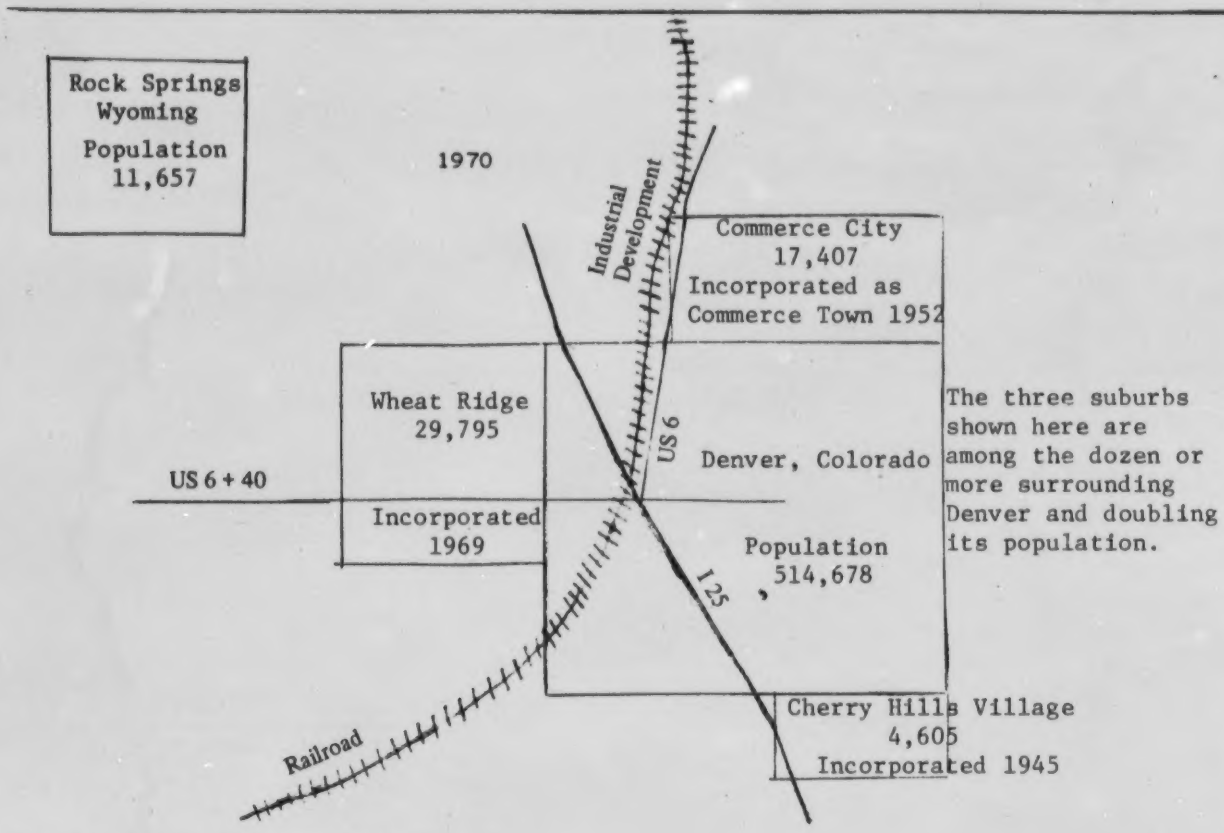
After the students have had a reasonable amount of time to work on page five, compare and discuss their varying answers. Don't press for "correct" answers, but encourage students to speculate and make venturesome guesses. Then identify the communities as: A-Cherry Hills, B-Denver, C-Commerce City, D-Wheat Ridge, and E-Rock Springs. You might wish to stimulate the discussion by asking questions like the following: Would you expect Rock Springs to be like Denver or more like one of the suburbs? Would you expect all of the suburbs to be alike? Would the suburbs be more like Denver or Rock Springs? What do you think are the major characteristics of cities, towns and suburbs?

After the students have had a chance to discuss and correct page five, move to a discussion of questions like the following: What kinds of problems might confront a city like Denver, the suburbs and Rock Springs? Are your ideas about the same as they were earlier in the lesson? What additional kinds of information would you find helpful in comparing these five places? Which is the most advantageous place in which to live? Why? How do these places compare with the place in which you live? What will these places look like by the time you are 65?



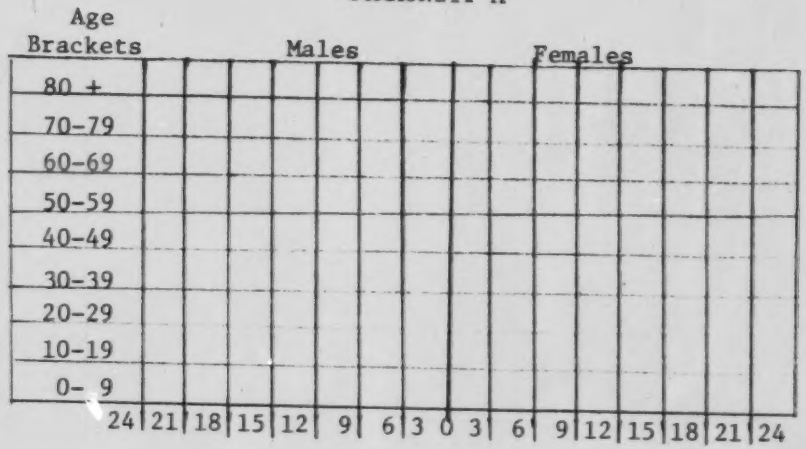
1870

A place in Wyoming and a place in Colorado



The three suburbs shown here are among the dozen or more surrounding Denver and doubling its population.

COMMUNITY A

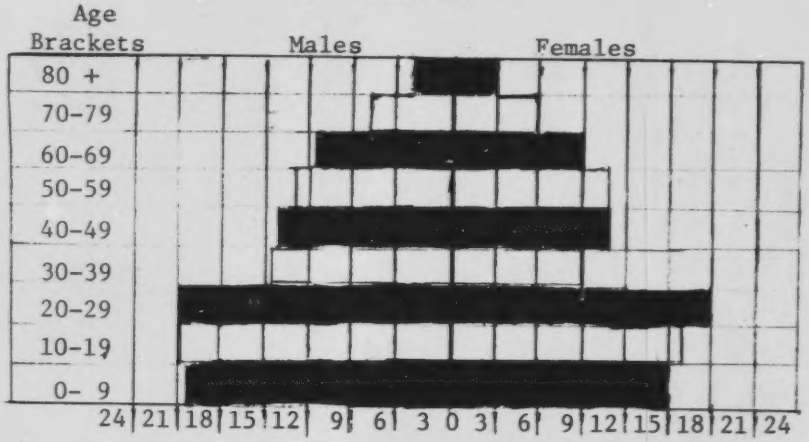


PERCENTAGE of TOTAL
male population female population

Statistics to use when constructing the Pyramid for Community A

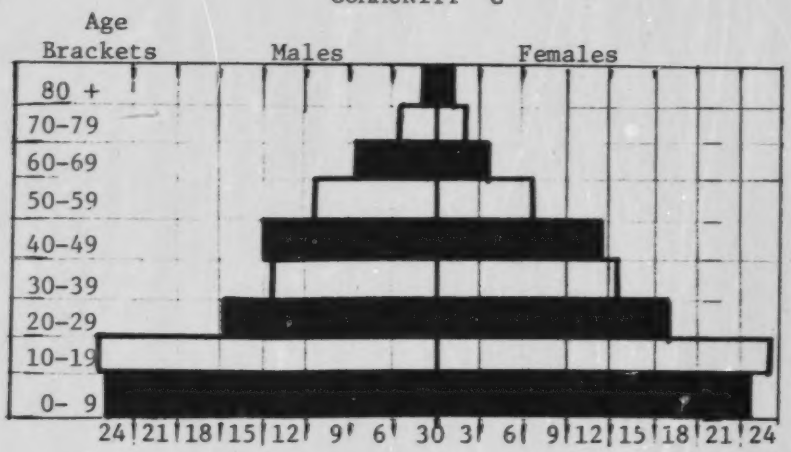
Age Brackets	Male	Female
80 +) 70-79)	1.5%	2.3%
60-69	4.8	4.1
50-59	12.8	11.3
40-49	19.3	19.7
30-39	8.9	12.7
20-29	4.6	5.3
10-19	31.5	29.3
0- 9	16.3	14.0

COMMUNITY B



PERCENTAGE of TOTAL
male population female population

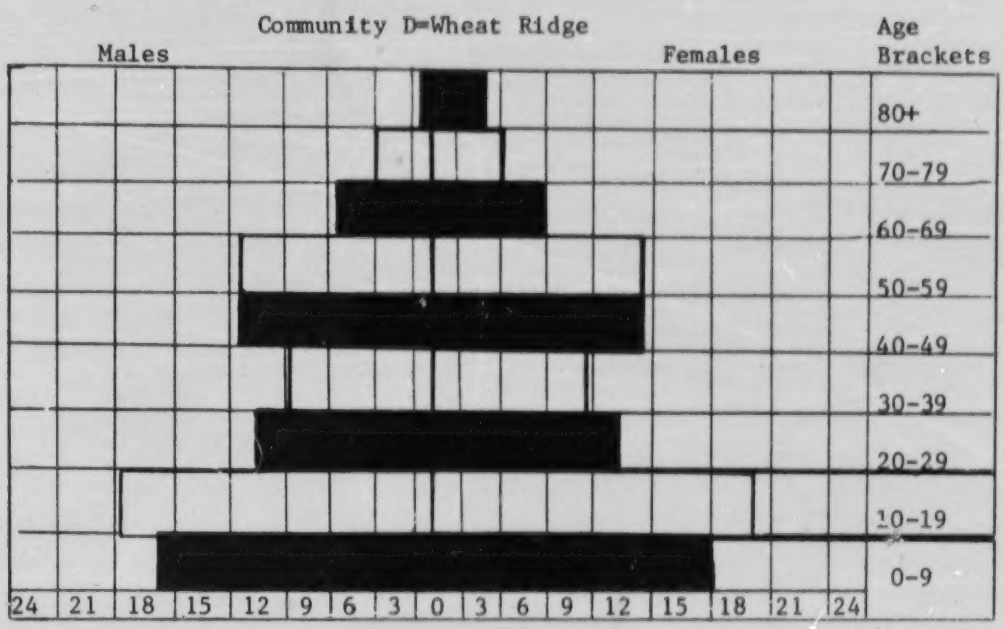
COMMUNITY C

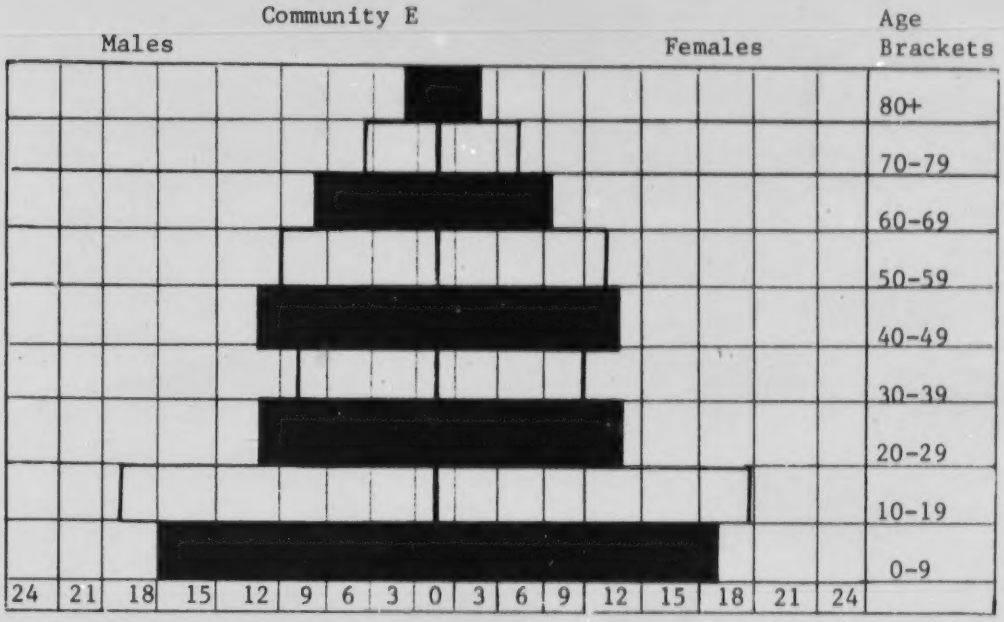


PERCENTAGE of TOTAL
male population female population

00044

POPULATION PYRAMIDS





WORK SHEET

1. After reviewing the construction of population pyramids, finish constructing pyramid A using the statistics located on page three.

2. Which of the population pyramids are most alike? (Group them) _____

3. Which two pyramids are most unlike? _____

4. Which of the communities has the greatest percentage of old people? _____
What problems would this present to a community? What advantages?

5. Which has the greatest percentage of young people in school? _____
What problems would this create?

6. Which has the greatest percentage of people at their peak of earning power? _____ How would this fact affect community life?

7. If unusually higher rates of crime are found to be committed by people between the ages of 15 and 24, which community most likely would be plagued by high crime rates? _____

8. What other things would you like to know when making guesses about the crime rate?

9. Which community has the highest income per family? _____ How does this affect the variety of services it can offer?

10. Which pyramid do you think represents:

Rock Springs	A	B	C	D	E
Wheat Ridge	A	B	C	D	E
Commerce City	A	B	C	D	E
Denver	A	B	C	D	E
Cherry Hills	A	B	C	D	E

11. Pick one and describe its appearance. What do you think the place would look like (types of homes, appearance of lawns, streets, playgrounds, services for youth, etc.).

000046

SUPPORTING EVIDENCE

CHART A 1870 CENSUS DATA

	TOTAL	NATIVE	FOREIGN	WHITE	COLORED	CHINESE
DENVER, COLORADO	4759	3621	1138	4518	237	4
ROCK SPRINGS, WYOMING	40	16	24	38	2 (Indians)	0
SUBURBS OF DENVER	Did not exist in 1870					

CHART B 1970 CENSUS DATA

	ROCK SPRINGS	DENVER	COMMERCE CITY	WHEAT RIDGE	CHERRY HILLS VILLAGE
1. MEDIAN SCHOOL YEARS COMPLETED	12.2	12.4	11.4	12.5	16.3
2. TOTAL POPULATION	11,675	514678	17407	29795	4605
3. PERCENT OF POPULATION WITH SPANISH SURNAME	7.5	25	21	4	none
4. MEDIAN FAMILY INCOME	$8970	$9654	$8815	$11,711	$32,433
5. FAMILIES ON PUBLIC WELFARE OR ASSISTANCE	1.6%	4%	11%	8%	1.4%
6. MEDIAN AGE	30.5	28.6	22.2	30.6	26.9
7. PERCENT TO POPULATION FEMALE	49.9	53	50	51	50
MALE	51.1	47	50	49	50

Remember:

1. A big city will often attract many people in the 20 to 30 age bracket because of college and work opportunities.

2. Very wealthy communities will generally have a higher percentage of the population in the 40 to 60 age bracket.

3. In the communities on the map, if there is a large Spanish sur-named population, the average age of the population will be lower.

00047

October 12/18: Use and Abuse in the Land of Plenty

TO THE TEACHER:

OBJECTIVES:

1. Students should be able and willing to engage in a discussion of a particular land use issue and defend a point of view.

2. Students should be able to put the land use controversy in some historical perspective; i.e. they should be able to make statements about how the American view of the environment has changed or remained the same over time.

(This lesson focuses on the calendar question: Have we pushed too far in the use of natural resources?)

PROCEDURES:

The two readings which set forth two different views of the proposed Echo Park Dam should be sent home with the students on the day before the lesson itself is to be used. Then, to open the lesson, ask for reaction to the two articles. You might want to open by asking for arguments on both sides. Keep the discussion short, but encourage students to take and defend one position or another by pointing out that decisions do have to be made.

Don't allow the discussion to consume more than, five to ten minutes at the most before you hand out page three, which contains the words of Thoreau from the early 19th century, and the one paragraph from T. Roosevelt's remarks from the early 20th century. Briefly discuss the two readings using the questions at their end as a take-off point. Close by asking the following question:

> *In a nation devoted to progress and one where the railroad, the telephone and telegraph among other things demanded heavy use of copper wire, iron ore for rails and trees for railroad ties and telephone poles, what would the attitude toward the environment be?*

Roosevelt goes on in the same speech to talk of the changing attitudes. Hand out page five, ask the students to read it quickly and discuss the questions at the close of the reading.

With nearly half of the class period remaining, refer to the bottom of page five and hand out page six, the reading about the current controversy over land use in Wyoming. Ask students to read it and take a personal position either for or against the issue:

> *Should greatly expanded coal production in Wyoming be permitted?*

When each has had an opportunity to read the article, move the class into groups of four or five and ask the group to take a position in favor of or in opposition to the same question. With five to ten minutes remaining in the period, reconvene the entire class, record the group decision on the chalkboard, and attempt to get a class agreement. At least tell the students that such is your goal; in fact, encourage intelligent arguments on both sides and references to attitudes toward the environment in the past.

0C048

SHOULD THE DAM BE BUILT?

David Bradley:

I made my first trip into a national park--my father back-packed me into Yosemite in a knapsack--at the age of a year and a half. Since then, I have visited most of our scenic parks and monuments with my family--just as my father did, and his father, who was one of the first explorers of the Sierra Nevada.

Two summers ago my family was among the hundreds of people who took the river trip down through the canyons of Dinosaur National Monument. In all, 14 of us--my four brothers and I, our wives and children, and our seventy-six year old father--traveled down the Yampa and Green Rivers....

For six days the rivers did all the work. We ran many rapids and, unexpectedly, found no great danger. The West is blessed with much magnificent scenery, but none is more remarkable than the canyons of Dinosaur.

The Yampa River at first was silent, beautiful, intimate, as it flowed through its deep sandstone convolutions. It led us down from open parks to overhanging cliffs, from ice-cream domes and sunburned terraces to the arched and polished contours of the canyons. There were beaches of brilliant sand where we stopped to swim. There were bank beaver, Canada geese, deer and the prints of big cats whose presence was felt but never seen.

There were riffles and minor rapids too--Teepee and Big Joe--leading on to bigger water mills. In the rough sections, the rocks came by like swimming hippos.

On the fourth day the Yampa carried us to its junction with the larger Green River in the famous Echo Park, two miles upstream from the proposed dam.

It was one of those perfect sanctuaries which inspire awe from the moment one enters, a temple which has been in building for a hundred times the life of man on earth. Buttressed by the arched mountains, tiled by the wide green grass, illuminated by the stained-glass windows of the sunset, Echo Park commands silence. As with all temples, its value is not in the sounds one may startle from its ledges, but rather in the echoes which it may awaken within oneself.

There were two more days on the pell-mell Green River, and more canyons, more rapids, but we will always remember best the ageless silence of Echo Park. It was this memory that impelled my nine-year-old daughter Kim, the youngest member of our expedition to take up her pen and laboriously write:

> Dear President Eisenhower:
>
> Please don't build a dam in Dinosaur Park. It is beautiful and exciting and fun riding on rubber rafts on the huge waves.
>
> I went there once and want to go again. If you had been down it, you would not build a dam.
>
> Sincerely, Kim Bradley

In her simple way Kim has touched the truth which so far has preserved this and all our other national parks.

SHOULD THE DAM BE BUILT?

"Are You For or Against the Echo Park Dam?" Collier's, CXXXV (1955).

Joseph C. O'Mahoney:

Much of Wyoming, my home state, is in an area known as the Upper Colorado River Basin. Important parts of Arizona, Colorado, New Mexico and Utah also are within this area which, in territory, is more extensive than New York, Pennsylvania, and New Jersey combined. It is rich in resources.... But even with these and other great advantages, the population of the basin is only 325,000. Little Rhode Island alone has nearly three times as many people.

The only reason for this sparse population is scarcity of water. That's the one essential resource we do not have in enough quantity. Under such conditions you would think every acre-foot of water would be husbanded with care, but it is not. Water, precious and priceless water, actually is being wasted. It is being allowed to flow on down the Colorado River, over the wonder-working Hoover Dam and finally into the Gulf of California.

Today, after too many years of waiting, Congress has before it again a comprehensive proposal to conserve and use the water of the upper Colorado and its tributaries. Competent engineers and others have evolved what is known as the Upper Colorado River Storage Project. Its nine big dams would be of incalculable benefit to the Upper Basin and, therefore, to the entire United States.

Every member of Congress from the Upper Basin states is in favor of the proposal. But outside the area there is strong opposition, not because of objectives, but because of an incidental and sentimental reason. An essential reservoir in the project requires a dam in Echo Park, part of Dinosaur National Monument....

Our opponents, mainly non-residents of the area, believe--some of them passionately--that this dam would do irreparable damage to the Dinosaur National Monument and to the natural beauty of that wild country. As the name of the monument indicates, dinosaurs once lived and died there millions of years ago; perhaps many of them died in uncontrolled floods such as still wreak havoc as they rush down the mountain canyons when the snows of winter melt....

There can be no further important agricultural development in the Upper Basin unless we can have the use of the water that now pours wastefully to the sea. Industrial expansion is stymied. Population is held down. The amount of water will determine our growth and, to get the maximum amount, Echo dam is essential.

Approximately 300,000 acres of never-before-irrigated desert lands is recommended by the Bureau of Reclamation for cultivation after the initial part of the Upper Basin project is completed, and in addition some 470,000 acres of presently inadequately irrigated lands will receive the extra water needed. Also, when all units of the project are completed, nine and four-tenths billion kilowatt-hours of hydroelectric energy will be generated.

What should our goal be--the greatest good of the greatest number, or the sentimental satisfaction of a few?....

HENRY DAVID THOREAU, "Walking," in Excursions, The Writings of Henry David Thoreau, Riverside edition (11 vols. Boston, 1893) IX.

I wish to speak a word for Nature, for absolute freedom and wildness,....

When we walk, we naturally go to the fields and woods: what would become of us, if we walked only in a garden or a mall?... I am alarmed when it happens that I have walked a mile into the woods bodily, without getting there in spirit. In my afternoon walk I...forget all my morning occupations and my obligations to society. But it sometimes happens that I cannot easily shake off the village....

Nowadays almost all man's improvements, so called, as the building of houses, and the cutting down of the forest and of all large trees, simply deform the landscape, and make it more and more tame and cheap....

At present, in this vicinity, the best part of the land is not private property; the landscape is not owned, and the walker enjoys comparative freedom. But possibly the day will come when it will be partitioned off into so-called pleasure-grounds, in which a few will take a narrow and exclusive pleasure only,--when fences shall be multiplied, and man-traps and other engines invented to confine men to the public road, and walking over the surface of God's earth shall be construed to mean trespassing on some gentleman's grounds....

Hope and the future for me are not in lawns and cultivated field, not in towns and cities, but in the... swamps.... I derive more of my subsistence from the swamps which surround my native town than from the cultivated gardens in the village....

Give me the ocean, the desert, or the wilderness!... A town is saved, not more by the righteous men in it than by the woods and swamps that surround it. A township where one primitive forest waves above while another primitve forest rots below,--such a town is fitted to raise not only corn and potatoes, but poets and philosophers for the coming ages...

THEODORE ROOSEVELT, "Opening Address by the President," Proceedings of a Conference of Governors in the White House, ed. Newton C. Blanchard (Washington, D.C., Government Printing Office, 1909)

Neither the primitive man nor the pioneer was aware of any duty to posterity in dealing with the renewable resources. When the American settler felled the forests, he felt that there was plenty of forest left for the sons who came after him. When he exhausted the soil of his farm, he felt that his son could go West and take up another. The Kentuckian or the Ohioan felled the forest and expected his son to move West and fell other forests on the banks of the Mississippi; the Georgian exhausted his farm and moved into Alabama or to the mouth of the Yazoo to take another. So it was with his immediate successors. When the soil-wash from the farmer's field choked the neighboring river, the only thought was to use the railway rather than the boats to move produce and supplies. That was so up to the generation that preceded ours.

1. For what purpose does Thoreau think the environment should be used?

2. According to Roosevelt, what had been the early American's attitude toward the environment?

THEODORE ROOSEVELT, "Opening Address by the President," (continued)

Now all this is changed. On the average the son of the farmer of today must make his living on his father's farm. There is no difficulty in doing this if the father will exercise wisdom. No wise use of a farm exhausts its fertility. So with the forests. We are over the verge of a timber famine in this country, and it is unpardonable for the Nation or the States to permit any further cutting of our timber save in accordance with a system which will provide that the next generation shall see the timber increased instead of diminished. [Applause]

Just let me interject one word as to a particular type of folly of which it ought not to be necessary to speak. We stop wasteful cutting of timber; that of course, makes a slight shortage at the moment. To avoid that slight shortage at the moment, there are certain people so foolish that they will incur absolute shortage in the future, and they are willing to stop all attempts to conserve the forests, because, of course, by wastefully using them at the moment we can for a year or two provide against any lack of wood. That is like providing for the farmer's family to live sumptuously on the flesh of the milch cow. [Laughter.] Any farmer can live pretty well for a year if he is content not to live at all the year after. [Laughter and applause]....

We are coming to recognize as never before the right of the Nation to guard its own future in the essential matter of natural resources. In the past we have admitted the right of the individual to injure the future of the Republic for his own present profit. In fact, there has been a good deal of a demand for unrestricted individualism, for the right of the individual to injure the future of all of us for his own temporary and immediate profit. The time has come for a change. As a people we have the right and the duty of obeying the moral law, of requiring and doing justice, to protect ourselves and our children against the wasteful development of our natural resources, whether that waste is caused by the actual destruction of such resources or by making them impossible of development hereafter....

1. *What does Roosevelt mean when he says, "Now all this is changed"?*

2. *What changes is Roosevelt calling for in this speech?*

DATELINE - THE WIND RIVER COAL BASIN, WYOMING (1974)
(A fictitious account based on an actual event.)

They found some coal in Wyoming--miles and miles of high-quality, easily mineable coal. In some areas the seams run 45-50 feet thick and just below the surface so that digging out requires the relatively inexpensive process of strip mining. Acres and acres of grazing land which once sold for $60 an acre are now selling for $1,000 plus an acre. The big companies like ARCO, Texaco, Gulf, and Exxon are rushing in men and equipment to mine what some consider the nation's richest treasure of a badly needed energy source. These companies expect to double the annual coal production--currently at 14 million tons--by 1976.

But news of this coal find is met with mixed reaction. Old-timers stare with dismay at the wrecked landscape now cluttered with all sorts of man-made materials and refuse. Huge gouges have been ripped into the terrain, literally overnight, and the land that took centuries for nature to create has been

irreversibly altered. "Why I used to remember I could travel for hours if not for days and not meet a soul. Just the sky, clouds, and the animals," commented one Stetson-wearing man. "Now, well, now it's a mess. Man just shouldn't be allowed to do such things. We should have things left alone someplaces in this country where a person can sit and think and not have to look up at all of those..!" The those he was referring to were the huge diesel trucks trailing clouds of smoke and dust as they moved tons of earth from one place to the next. "And that's progress?", he asked.

One town resident wanted to know just how smart these city slickers are. "Why they say by finding all of the coal, it will help the energy resources, and the the U.S. will conserve energy this way. But I say that they are going to find that it takes more energy to produce, locate, dig, and process this coal than what we have in this area." He pointed out that the water supply in the Wyoming area was always a problem and now that thousands and thousands of people were pouring in where was the additional water to come from, let alone the other resources?

"And look at all those people who are arriving," he commented. "Now I'm not talking about the miners and other workers. They're just fine, hard working people like we always have had around here. What I'm talking about are those hangers-on, the confidence guys and the prostitutes, up from the big city to make a killing."

Resident after resident echoed the same theme. The old way of life was changing. Perhaps the land could be put back again after the gougers leave, but the casual and friendly way of life that so many of the old-timers had and loved would not be so easily reparied. Indeed, many of the residents are selling out and leaving for other areas where man hasn't decided to alter nature.

But all of the arguments aren't just on the side of the ecologists. As one miner put it, "Those men (ecologists) say they are worrying about the future and I say if the United States doesn't find and use more of its energy sources like this here coal then there won't even be a present. Those Arabs have us over a barrel, an oil barrel at that, and they can call any tune they want. This coal find will help change the picture. Besides, just think of all the jobs we created. This area already is suffering from a cattle depression. Now there are some jobs for them to go to."

Other company men point out the benefits to the area. They claim that in addition to jobs, more money is being spent and that should stimulate a poor economic situation. Also, since the coal is so easily dug out, prices of coal should be lower and poorer sections of the world will benefit from a lowering of costs. "And anyway, when we finish here we will put back the land in such a way that it will look even better," one man commented.

And so the debate goes on. Who is right? Who is wrong? A difficult problem. But what is clear is...they found some coal in Wyoming--miles and miles of high-quality, easily mineable coal.

October 19/25: Who Owns the Land?

TO THE TEACHER:

OBJECTIVES:

1. Students should be able to make several accurate oral statements about land ownership in the United States.

2. Given a series of short excerpts from various Indian and white leaders, students should be able to detect changes in positions over time.

(This lesson focuses on the calendar week question: "Who owns the land?")

PROCEDURES:

On the day before this lesson is to be used, send home with the students pages 2-6, and ask the students to study the materials carefully.

In opening the class period the next day, discuss the questions which accompanied the take home materials. Spend some time on the changes in attitudes reflected in the readings--first at a descriptive level, i.e. what different attitudes did you note in the readings? Then try to get the students to talk about these changes over time with emphasis on the reasons for and consequences of the changes. The maps should lead students to think about the reasons for the conflicting attitudes and the results of them.

Lastly, read the transitional paragraph on page seven aloud and ask two capable readers to read the two paragraphs which serve to close this lesson. We have entitled this section: "Town Commissioners Tackle A Land Problem." In this closing exercise, we are attempting to provoke a discussion centering on questions about the use of private lands. The transitional paragraph serves to set the issue in general terms while the introductory paragraph (this should best be read by the teacher so as not to confuse the audience about roles) sets the structure for this particular argument.

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STUDENT MATERIALS

Study the following maps and statements. As you study the materials, consider the following questions:

1. How would you describe the conflict? How was the conflict settled?
2. What kinds of changes can you see in the U.S. government views over time?
3. President Johnson (F) and the U.S. v. Lucero (G) offer strong opinions. Had you been living at the time what would have been your reaction to the two statements? Why do you think the President made such a strong statement?
4. Do you agree or disagree with the court ruling (H)? Why?
5. In Chief Seattle's statement (I) how does he relate Indian religion to Indian rights to the land? Do you think this is a legitimate claim?
6. What arguments does Black Coal (L) advance concerning Indian land rights in the Black Hills? Does he convince you?
7. When Sitting Bull (C) said that he would die for his "country," what did ne mean? When he said that the Sioux owned the "world," what did he mean?

STATEMENTS

A. Samuel Sewall. Letter to Sir William Ashurst. May 3, 1700.

I should think it requisite that convenient tracts of land should be set out to them; and that by plain and natural boundaries, as much as may be--as lakes, rivers, mountains, rocks--upon which for any Englishman to encroach should be accounted a crime.

B. Proclamation of 1763.

It is just and reasonable and essential to our interest and the security of our colonies that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them, or any of them, as their hunting grounds.

C. Northwest Ordinance. July 13, 1787.

The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them and for preserving peace and friendship with them.

D. Secretary of War Barbour, to Congressman William McLean, April 29, 1828.

The plan of collocating the Indians on suitable lands West of the Mississippi, contains the elements of their preservation; and will tend, if faithfully carried into effect, to produce the happiest benefits upon the Indian race. I have not been able to perceive in any other policy, principles which combine our own obligations to the Indians, in all that is humane and just, with effects so favorable to them, as is contained in this plan.

E. Andrew Jackson. Message to Congress. December 6, 1830.

The tribes which occupied the countries now constituting the Eastern states were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual.

F. Andrew Johnson. Message to Congress. 1867.

If the savage resists, civilization, with the ten commandments in one hand and the sword in the other, demands his immediate extermination.

G. United States v. Lucero. 1869.

The idea that a handful of wild, half-naked, thieving, plundering, murdering savages should be dignified with the sovereign attributes of nations, enter into solemn treaties, and claim a country five hundred miles wide by one thousand miles long as theirs in fee simple, because they hunted buffalo and antelope over it, might do for beautiful reading in Cooper's novels or Longfellow's Hiawatha, but is unsuited to the intelligence and justice of this age, or the natural rights of mankind.

H. Lone Wolf v. Hitchcock. January 5, 1903.

When treaties were entered into between the United States and a tribe of Indians, it was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith toward the Indians.

THE INDIAN AND THE LAND: INDIAN VIEWS

I. Chief Seattle (Puget Sound Tribes), "Our People Are Ebbing Away Like a Rapidly Receding Tide:" A Speech to Governor Isaac Stevens of the Washington Territory, 1855. From THE WASHINGTON HISTORICAL QUARTERLY, October, 1931.

There was a time when our people covered the land as the waves of a wind-ruffled sea cover its shell-paved floor, but that time long since passed away with the greatness of tribes that are now but a mournful memory. I will not dwell on, nor mourn over, our untimely decay, nor reproach my pale face brothers with hastening it as we too may have been somewhat to blame.

To us the ashes of our ancestors are sacred and their resting place is hallowed ground. You wander far from the graves of your ancestors and seemingly without regret. Your religion was written on tables of stone by the iron finger of your God so that you could not forget. The Red Man could never comprehend nor remember it. Our religion is the traditions of our ancestors--the dreams of our old men, given them in the solemn hours of night by the Great Spirit; and the visions of our sachems, and is written in the hearts of our people.

Your dead cease to love you and the land of their nativity as soon as they pass the portals of the tomb and wander away beyond the stars. They are soon forgotten and never return. Our dead never forget the beautiful world that gave them being. They still love its verdant valleys, its murmuring rivers, its magnificent mountains,

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sequestered vales and verdant-lined lakes and bays, and ever yearn in tender, fond affection over the lonely-hearted living, and often return from the Happy Hunting Ground to visit, guide, console and comfort them.

J. George W. Harkins (Choctaw), Farewell Letter to the American People, 1832, From THE AMERICAN INDIAN, December, 1926.

Friends, my attachment to my native land is strong--that cord is now broken; and we must go forth as wanderers in a strange land! I must go--let me entreat you to regard us with feelings of kindness, and when the hand of oppression is stretched against us, let me hope that every part of the United States, filling the mountains and valleys, will echo and say stop, you have no power, we are the sovereign people, and our friends shall no more be disturbed. We ask you for nothing that is incompatible with your other duties.

Here is the land of our progenitors, and here are their bones; they left them as a sacred deposit, and we have been compelled to venerate its trust; it is dear to us yet we cannot stay, my people are dear to me, with them I must go. Could I stay and forget them and leave them to struggle alone, unaided, unfriended, and forgotten by our great father? I should then be unworthy the name of a Choctaw, and be a disgrace to my blood. I must go with them; my destiny is cast among the Choctaw people. If they suffer, so will I; if they prosper, then I will rejoice. Let me again ask you to regard us with feelings of kindness.

K. Sitting Bull (Hunkpapa Sioux), Keeping Treaties. From W. Fletcher Johnson, LIFE OF SITTING BULL (1891), p. 201.

What treaty that the whites have kept has the red man broken? Not one. What treaty that the whites ever made with us red men have they kept? Not one. When I was a boy the Sioux owned the world. The sun rose and set in their lands. They sent 10,000 horsemen to battle. Where are the warriors today? Who slew them? Where are our lands? Who owns them? What white man can say I ever stole his lands or a penny of his money? Yet they say I am a thief. What white woman, however lonely, was ever when a captive insulted by me? Yet they say I am a bad Indian. What white man has ever seen me drunk? Who has ever come to me hungry and gone unfed? Who has ever seen me beat my wives or abuse my children? What law have I broken? Is it wrong for me to love my own? Is it wicked in me because my skin is red; because I am a Sioux; because I was born where my fathers lived; because I would die for my people and my country?

L. Black Coal (Arapahoe), The Black Hills Is Our Country: Testimony to a Federal Commission, September, 1876. From SENATE EXECUTIVE DOCUMENT, No. 9, 44th Congress, 2d session, pp. 34-35.

My friends, you that have come here to counsel with the Indians at this agency, I remember the same thing that took place with my father at the treaty at Horse Creek, when the Arapahoes, Cheyennes, Ogallallas, and Brules were all represented. You have come here to speak to us about the Black Hills, and, without disguising anything that we say, and without changing anything that we say, we wish you to tell the Great Father when you get back that this is the country in which we were brought up, and it has also been given to us by treaty by the Great Father, and I am here to take care of the country, and, therefore, not only the Dakota Indians, but my people have an interest in the Black Hills that we have come to speak about today. This is my country, and the Great Father has allowed the Arapahoe people to live here, and he told them that they must not be foolish, and they have never been foolish or

behaved badly since they have been in this country, and, therefore, they have an interest in whatever becomes of it, the sale of it. You have come here from the Great Father to speak to us about our country here, desiring to get it from us, and I, together with the other people that are here, have said yes in answer to that question, that we will give it up; but we consider that we have the same interest in it that the Ogallallas have, and therefore whatever they receive for the country our people expect to receive in like proportion; and the expectation of both tribes is that we will receive such help that we and our children will live comfortably like white men. We do not wish you to hurry us in our decision about the country, but we will all consider the matter together after our men have returned from the journey to the South.

SELECTED INDIAN TRIBES 1700

INDIAN RESERVATIONS 1970

WHO OWNS THE LAND: II/4/6

TRANSITIONAL PARAGRAPH

You have just finished discussing the conflict between the Indian views on land ownership and the views of the European settler towards land ownership. This conflict resulted in the loss of the Indian land to the United States government and to private corporations or individuals. The differences of attitude towards the ownership and the use of land continues today between those people who favor private ownership and those who wish a more liberal policy of land ownership. The next exercise focuses on this last argument; namely, should a person be able to own a lake, a part of a beach, or a stream?

THE TOWN COMMISSIONERS TACKLE A LAND PROBLEM

The town commissioners of Lackland are studying the question of land ownership. The boundaries of the town take in several hundred acres of mountainous wilderness including several streams and a large lake. The question is whether to parcel out the land to private owners or to retain title in the town's name and permit complete public access to the area. Two citizens of the town are presenting their arguments. After you listen to their testimony, decide how you would counsel the town commissioners--for Speaker #1 or Speaker #2?

SPEAKER #1:

I happen to own several acres of wooded land near the lake. It fronts on a portion of the lake near the west end. My father sold me this land about 10 years ago. As you know, he owned that land for about 30 years--long before half of this town was even here. When he first came to this area, that piece of lake land was almost all covered with swamp and mosquitos. He and his father and later on myself spent many a month draining, trucking in sand and carting out debris until now we have a long sandy beach. He also started a cabin which my sons and I have been improving upon ever since I took title to the land. We bought the gravel for the road and the drainage pipes for the ditches. We also hired a truck and several workers to help us put in the road and electricity. If my father and I hadn't done all of this work--who would have? And the same holds true for all of the other property owners on the lake. We put in time, money, sweat, and even took chances to realize a dream. Now I hear that some people want us to give this all up. I'm hearing that they want us to give up our beach so that the public can enjoy it. Every man is entitled for a fair return on his labor. The fair return I have been receiving is enjoying something I have worked for and dreamed and sacrificed for these many summers. I suppose if I am forced to open up my beach to every bum that comes along that I'll also be asked to pick up after him. And what about those water skiers and motor boats which have polluted those other lakes around here? I suppose you'd permit them in also? Right now those kinds of people are kept out and you know what we have up there in the mountains? I'll tell you. A nice, quiet place with little noise, no pollution, no wild noises from motor bikes or boats, no crowds of people polluting and littering. Just a group of nice people who aren't afraid to leave their possessions lying around and aren't afraid to leave their doors unlocked. I ask you--why can't we have privacy? Why can't we have things as we want them? Why must we always be concerned about everyone else?

SPEAKER #2:

Unfortunately my family and I settled in Lackland too late to have the privilege or opportunity of owning land in the mountains. We arrived just five years ago and bought a little house on Locust Street and joined the town's activities. I became a leader of the local Cub Scout group and set up some outdoor experiences. You know, overnight hiking, canoeing, swimming, and a little rock climbing. Well, we bought all the equipment, got a few maps and set out for the mountains for a breaking in period. As it turned out, we were the ones who were broken in. We couldn't go hiking because all of the property has barbed-wire fences or high stone walls. We couldn't go canoeing because we couldn't reach the streams. And I understand, if we reached the streams, in several places the property owners have placed barriers across them. We couldn't go swimming because the only places available were privately owned. We couldn't go rock climbing because the local mine quarry is abandoned and no one has bought the rights yet. The majority of our people like the outdoors and respect it. They don't destroy, or make noises, or litter. They appreciate and enjoy it. I know quite a few families in town who like to go out for a little fresh air, who would like to take a stroll, dabble their feet in a cool stream, walk along a tree lined path, sleep a little bit overnight. But where can you do this around here? Everything is owned by someone. There are no public lands within 75 miles of Lackland. I am being penalized because I arrived late in this area. Others are being penalized because they are too poor. That just shouldn't be. We are not asking for a mountain. We just want the right to enjoy ourselves--to be free persons in a free land.

"Certain Unalienable Rights"

October 26 through November 22, 1975

October 26/ November 1: Freedom of Speech, Assembly, and Religion

TO THE TEACHER:

OBJECTIVES:

1. Students should be willing and able to read the summary of a Supreme Court case, assume a position, and defend or alter that position in a group discussion.

2. Students should demonstrate in their oral statements a willingness to confront inconsistencies in their own positions and a willingness to openly discuss issues involving freedom of speech, assembly, and religion.

PROCEDURES:

On the day before the lesson is to be used, send home with the students page two, entitled The Question of Freedom of Assembly and Religion. Ask them to read the case and answer the questions.

Begin the lesson by asking the students to give their answers to questions one and two. Ask students to respond to the answers from others. Then move to question three and have a discussion. If time permits, try to arrive at a consensus. Spend no more than ten minutes on this first handout.

Now, hand out page three, Freedom of Religion, and provide time for the class to read the short description of the case and the two findings. In this case, the findings represent the court's early decision and its reversal of itself. You might want to simply conduct a discussion of this case or put the students in small groups, and ask each group to reach a consensus about whether A or B is the best position. You might want to give them a second question: Which do you think was the most recent opinion of the Supreme Court? (Paragraph B is the earlier decision and A is the most recent.)

Finally, hand out pages four and five, Questions of Freedom of Speech. Ask the students to read the case outline and the positions A and B which follow. Further, ask them to answer the questions and think through their own positions. Now place the students in small groups and ask each group to reach a consensus about whether A or B is the best position. A second question to ask: Which do you think was the majority opinion of the Supreme Court? (A was the majority opinion; B, the dissenting.) Attempt to reach a unanimous answer to either or both questions. Remember that the discussion and not unanimity is most important. Turn to question four.

If you have access to other analogous First Amendment issues and cases, you may want to be ready to confront the students with controversial, conflicting or just provocative cases for their consideration.

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THE QUESTION OF FREEDOM OF ASSEMBLY AND RELIGION

As a young man, William Penn, who later came to America to found the colony of Pennsylvania, became convinced of the truth of the Quaker faith. This was the year 1667, a time when Quakers were persecuted in England; they were scorned, imprisoned and even executed. Penn was well born, highly intelligent, well educated, and trained in the law. He had a brilliant future ahead of him, but he renounced it all to become a Quaker. He quickly became a leader in the Quaker movement--which made him a special target of the authorities who persecuted Quakers. Soon he was imprisoned, and held for eight months. Upon his release he returend to his Quaker brethren. One August day in 1670, the authorities locked up the Quakers' meeting house, refusing to let anyone inside. Undaunted, Penn gathered together the several hundred friends who had come to the meeting, and he addressed them right there in the street. Although it was a quiet and peaceful assembly, the authorities soon came and arrested Penn for leading a riot.

The judge who presided over Penn's trial clearly wanted him to be convicted; he insulted Penn, he refused to read the law which Penn had allegedly broken, at one point he even had Penn physically removed from the courtroom, and he strongly encouraged the jury to declare Penn guilty. But the jury acquitted Penn, because they were convinced the gathering was peaceful, and in no way a riot. Whereupon the judge imprisoned and fined the jurors! (However, a higher court soon intervened and strengthened the power of juries by declaring that jurors can never be fined or imprisoned for their verdicts.)

QUESTIONS:

1. At that time virtually all the countries in Europe had a single official religion (France, Italy, and Spain were Roman Catholic; others were Protestant; England had its own Church of England). Don't you think the authorities in those countries, including England, had the right to discourage non-official religious practices by limiting the rights of worshipers to gather together? Why?

2. If the church and the state or nation work closely together, shouldn't the state or nation have the right to support that religion by limiting the rights of others?

3. How does the Bill of Rights answer these questions?

THE QUESTION OF FREEDOM OF RELIGION

Not too long ago (the late 1930's) a family discovered that to be a Jehovah's Witness in Pennsylvania can lead to trouble with the authorities in that state. Jehovah's Witnessess take the Bible very seriously, especially the following command from Exodus, 20:3-5:

> "Thou shalt have no other gods before me. Thou shalt not make unto thee any graven image....thou shalt not bow down thyself to them nor serve them."

But the children of this Jehovah's Witness family attended the local public schools, where every child and every teacher was required each day to stand, place the right hand on the breast, and salute the American flag by saying the Pledge of Allegiance:

> "I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands; one nation, under God, indivisible, with liberty and justice for all."

The children in this Jehovah's Witness family refused to participate in this daily ceremony, because they had been brought up to believe that such a gesture of respect for the flag was forbidden by Scripture. So they were expelled from school.

The parents objected, and finally asked the courts to require the schools to re-admit the children and to remove the flag-salute requirement.

This case was heard and decided by the Supreme Court in 1940. Three years later the same kind of case, involving the same religious group, was heard and decided by the Court. The last decision reversed the first and is now the law of the land. Below are excerpts from both decisions. Which do you think came from the Court's 1943 decision?

A.

"....Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard....We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control."

B.

"The preciousness of the family relation, the authority and independence which give dignity to parenthood, indeed the enjoyment of all freedom, presuppose the kind of ordered society which is summarized by our flag. A society which is dedicated to the preservation of these ultimate values of civilization may in self-protection utilize [use] the educational process for inculcating [instilling] those almost unconscious feelings which bind men together in a comprehending loyalty, whatever may be their lesser differences and difficulties."

QUESTIONS: 1. Do you think the Jehovah's Witness children were right in refusing to salute the flag? Why? 2. If you were the school principal, would you have expelled them? Why? 3. During World War II many people believed that social and moral unity was essential to the survival and well-being of the nation, and that patriotic loyalty to the flag was essential to maintain social and moral unity. Do you think this belief was correct? Why? Should children in wartime be allowed to refuse the flag-salute?

THE QUESTION OF FREEDOM OF SPEECH

In December of 1965, several high school students wore black armbands to their school in Des Moines, Iowa, as a quiet symbol of their opposition to the War in Vietnam. School officials had warned that any student wearing an armband would be asked to take it off. Further, they warned that any student refusing to remove the armband would be suspended. Three young people knew the risks. They and their parents had met to plan the whole demonstration.

On the 16th of December, all three and two other friends were sent home. Very few students had worn armbands, these five were sent home. Aside from a few threats to the armband wearers outside of the classroom, there had been no violence and no disruption of the work of the school or of any class.

Not all political symbols had been banned. School officials had allowed the wearing of campaign buttons, and of the Iron Cross (traditionally a symbol of Nazism).

The parents of the students involved took the case to court. The federal district court decided that the school officials acted properly--a disturbance could erupt because of the intense controversy provoked by the Vietnam war issue. The U.S. Court of Appeals agreed. From there the case went to the United States Supreme Court. Two statements from the Supreme Court (A and B) follow below:

A.

First Amendment rights, applied in the light of the special character of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

These petitioners merely went about their ordained rounds in school. Their deviation consisted only in wearing on the sleeve a band of black cloth, not more than two inches wide. They wore it to exhibit their disapproval of the Vietnam hostilities and their advocacy of a truce, to make their views known, and, by example, to influence others to adopt them. They neither interrupted school activities nor sought to intrude in the school affairs or the lives of others. They caused discussion outside of the classrooms, but no interference with work and no disorder. In the circumstances, our Constitution does not permit officials of the State to deny their form of expression.

If a regulation were adopted by school officials forbidding discussion of the Vietnam conflict, or the expression by any student of opposition to it anywhere on school property except as part of a prescribed classroom exercise, it would be obvious that the regulation would violate the constitutional rights of students, at least if it could not be justified by a showing that the students' activities would materially and substantially disrupt the work and discipline of the school.

B.

...I think the record overwhelmingly shows that the armbands did exactly what the elected school officials and principals foresaw they would, that is, took the students' minds off their classwork and diverted them to thoughts about the highly emotional subject of the Vietnam war. And I repeat that if the time has come when pupils of state-supported schools, kindergartens, grammar schools, or high schools, can defy and flout orders of school officials to keep their minds on their own school-work, it is the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary....

...The schools of this Nation have undoubtedly contributed to giving us tranquility and to making us a more law-abiding people. Uncontrolled and uncontrollable liberty is an enemy to domestic peace.... School discipline, like parental discipline, is an... important part of training our children to be good citizens--to be better citizens. Here a very small number of students have crisply and summarily refused to obey a school order designed to give pupils who want to learn the opportunity to do so... Students engaged in such activities are apparently confident that they know far more about how to operate public school systems than do their parents, teachers, and elected school officials.... Turned loose with lawsuits for damages and injunctions against their teachers as they are here, it is nothing but wishful thinking to imagine that young, immature students will not soon believe it is their right to control the schools rather than the right of the States that collect the taxes to hire the teachers for the benefit of the pupils. This case, therefore, wholly without constitutional reasons in my judgment, subjects all the public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest, students. I, for one, am not fully persuaded that school pupils are wise enough, even with this Court's expert help from Washington, to run the 23,390 public school systems in our 50 states. I wish, therefore, wholly to disclaim... that the Federal Constitution compels the teachers, parents, and elected school officials to surrended control of the American public school system to public school students. I dissent.

QUESTIONS:

1. In your own words, briefly describe the arguments listed in the Supreme Court statement A.

2. Now do the same with statement B.

3. Which statement do you agree with and why?

4. In April, 1974, Physicist William Shockely of Stanford University was to address a group of college students at Yale University. He was to speak on his theory that blacks are genetically inferior to whites in certain respects. But the howling students, who stomped their feet and shouted slogans, made it impossible for Dr. Shockley to finish the speech. Do you think the speaker should have been permitted to speak even though his topic is considered highly controversial? Would you feel the same if he was addressing a group of high school students? Elementary grade students?

November 2/8: Freedom of the Press

TO THE TEACHER:

OBJECTIVES:

1. When given several situations involving "freedom of the press" issues, the students should be willing to express their opinions and to listen to the opinions of others;

2. The students should realize that freedom of the press also implies certain responsibilities; that among these are responsibility to be fair, accurate, and truthful in reporting the news and the responsibility to inform the public of its government's actions.

PROCEDURES:

The materials for this lesson consist of two situations: Situation #1-the issues of reporting about the government; and #2-the issue of political advertising. Each situation has a series of discussion questions which a student can answer orally or in written form.

On the day before the lesson, distribute Situation #1 and the accompanying "Question Sheet" (page three). Ask students to write out brief answers and bring them the next day.

On the day of the lesson, divide the class into five or six groups and have them discuss within each group the answers to the four questions. Ask them to arrive at a group consensus. After 10 minutes, ask each group's spokesperson to respond to the questions. Write "Freedom of the Press [to report about government]" on the chalkboard and list the groups' answers.

Now hand out Situation #2 (pages four and five). Ask the students to read #2, discuss the questions within their groups, and arrive at consensus answers. Write "Responsibility of the Press [to be fair and accurate]" on the chalkboard, and record the groups' answers.

Finally, distribute page six, entitled "*New York Times, Co.* v. *Sullivan,* The Supreme Court's Decision." After allowing time for it to be read, conclude by comparing, through general discussion, the Court's answer to the complex questions about freedom of the press to those earlier recorded by the class.

SITUATION #1: THE ISSUE OF REPORTING ABOUT THE GOVERNMENT

If you were in charge of a government, you would certainly want the press to write nice, friendly things about you, always telling the people about your many strengths and achievements. That would be very helpful to you as a leader. But it would be not at all helpful if the press were to print damaging things about you. So if you had the chance would you not perhaps try to prevent the press from critizing you? Some government officials have done just that. Some powerful officials actually seem to think that it is irresponsible for the press to criticize government officials and policies, and that an irresponsible press should be silenced--it has forfeited the right to enjoy freedom of the press.

For example, back when New York was still a British Colony, there was a governor whose main interest in office was apparently to make lots of money. He was ruthless, arbitrary and corrupt. But for several years no New York papers opposed him or exposed him, and so he was able to operate virtually unchecked. After awhile, though, a new journal appeared, published by John Peter Zenger. The governor's high-handed ways were a favorite subject of this journal. Wishing to silence this unwanted voice, the governor had Zenger arrested in 1734 and put on trial for publishing a seditious libel. ("Seditious libel" is, simply put, the crime of saying or writing something which the government officials regard as threatening the reputation and authority of the government.) At the trial Zenger's defense rested on the claim that a statement is not a libel unless it is both false and malicious. And Zenger claimed his statements were all true. Indeed, he even wanted to give the jury evidence of their truth by calling up a parade of witnesses. In effect, he wanted to use his own trial as a way of putting the governor on trial--and in the governor's own courtroom! But the governor's Chief Justice (who presided over the trial) refused, declaring not only that truth is no defense to libel, but that the truth of a malicious assertion makes it even more damaging--thus a true assertion could be even more damaging than a false one!

But the jury still said Zenger was not guilty, mainly because they simply ignored the judge's instructions. And they had the courage to ignore his instructions mainly because Zenger's defense lawyer told them about the jurors in William Penn's case (jurors cannot be threatened by a judge), and about the legal doctrine that jurors cannot be punished for their verdicts.

QUESTIONS FOR SITUATION #1:

1. Do you think Zenger should have been allowed to criticize the governor if Zenger's accusations were true? Why?

2. Do you think Zenger should have been allowed to criticize the governor even if Zenger's accusations were false? Why?

3. If the government is good and true, and the press is evil and corrupt, do you still think the press should be free to attack the government? Why?

4. What protection does the Bill of Rights in the U.S. Constitution provide for the press when it criticizes the government?

SITUATION #2: THE ISSUE OF POLITICAL ADVERTISING
AND PRESS RESPONSIBILITY FOR IT

In March of 1960, the "Committee to Defend Martin Luther King and the Struggle for Freedom in the South," placed a full-page advertisement in the New York Times. The ad told of attacks against non-violent demonstrators in Orangeburg, South Carolina; in Montgomery, Alabama, and mentioned outrages in Tallahassee, Atlanta; Nashville, Savannah, etc. Here is an excerpt:

> In Montgomery, Alabama, after students sang 'My Country, 'Tis of Thee" on the State Capitol steps, their leaders were expelled from school, and truckloads of police armed with shotguns and tear-gas ringed the Alabama State College campus. When the entire student body protested to state authorities by refusing to re-register, their dining hall was padlocked in an attempt to starve them into submission....
>
> Again and again the Southern violators have answered Dr. King's peaceful protests with intimidation and violence. They have bombed his home almost killing his wife and child. They have assaulted his person. They have arrested him seven times--for "speeding", "loitering" and similar "offenses." And now they have charged him with "perjury"--a felony under which they could imprison him for ten years. Obviously, their real purpose is to remove him physically as the leader to whom the students and millions of others look for guidance and support, and thereby to intimidate all leaders who may rise in the South.

This hardly was flattering to the Montgomery police, and the Commissioner in charge of the Montgomery police was so affronted that he sued the New York Times--claiming that the ad had personally libeled him. An Alabama jury agreed with him and awarded $500,000 damages. When the Times appealed, the Alabama Supreme Court upheld the jury's decision--pointing out that the Times' ad carried many falsehoods:

-In Montgomery, the students sang the National Anthem, not 'My Country, 'Tis of Thee."
-The police never "ringed" the Alabama State College campus, they were merely deployed near the campus in large numbers.
-"The entire student body" did not protest, but just most of them.
-The College dining room was never padlocked.
-King's wife and children were not almost killed when his home was bombed. Although they were in the house, they were not even injured.
-King was never seriously "assaulted."
-The Montgomery police had only arrested King twice, not seven times.
-etc.

So the Times appealed to the Supreme Court of the United States. The newspaper claimed it had, after all, simply printed a paid advertisement. Though the Times could perhaps have used its investigative resources to discover the above errors, the ad was submitted by responsible people with a high reputation for honesty. Besides, the Commissioner in Montgomery had not even been mentioned.

QUESTIONS FOR SITUATION #2:

1. How do you think the Supreme Court of the United States decided? Do you think it upheld the lower court's decision or do you think it supported the Times argument? Why?

2. What responsibility does a newspaper have towards its readers in regard to the validity of advertisements (keeping in mind the different kinds of advertisements)?

3. What if the passages quoted from the ad had been contained in a news story? Would this change the newspaper's responsibility?

NEW YORK TIMES v. *SULLIVAN*
THE SUPREME COURT'S DECISION

The U.S. Supreme Court overruled the Alabama courts and held in favor of The Times. The majority of the Court held that a public official cannot receive damages for libel unless he proves the defendant published the statements with the knowledge that they were false--or with "reckless disregard" of whether it was false.

Further, the majority of the court held that placing the burden on the defendant of guaranteeing the truth of his criticisms of public officials would unfairly require "self-censorship." This kind of heavy burden would cause critics to be too cautious. "...would-be critics of official conduct may be deterred from voicing their criticism, even though it is believed to be true and even though it is in fact true, because of doubt whether it can be proved in court or fear of the expense of doing so...The rule thus dampens the vigor and limits the variety of public debate," the court held.

Writing for the court, Justice William J. Brennan stated that in cases of public debate, a critic may publish "erroneous statements honestly made." Libel laws, the Court held, that merely permit the defense of truth do not go far enough under the First Amendment. A public official, in order to establish a libel claim, must prove the key element of "actual malice." By "actual malice," the court meant that a publisher either made the statements knowing they were false or without exercising some degree of care to check their accuracy.

November 9/15: Freedom from Search and Seizure

TO THE TEACHER:

OBJECTIVES:

1. Students should be willing to continually assess their ranking of the 4th Amendment issues.

2. Each student should express himself or herself at least once during the period.

3. Students should make frequent reference during the course of the lesson to various parts of the 4th Amendment.

PROCEDURES:

On the day before the lesson is to be used, send page three home with the students with instructions that they are to rank the five "Threats to the 4th Amendment" in order from 1-5 (most serious least serious) in column I on the chart at the bottom of the page.

Begin the lesson itself with a quick assessment of the ranking from the night before. You might want to briefly discuss the students reasons for the ranking they chose.

Next, divide the class into five groups, assigning to each one of the last cases, 6-10. Each group will be responsible for presenting that case for the rest of the class. The group may wish to dramatize the case, tell the rest of the class about the case, or someone from the group might simply read the case to the class. The lesson will be easier to carry out if all students have all of the cases or issues before them at all times.

After Group 6 has exposed the case for which it is responsible, ask the students to rank the six cases (five from the night before and this one) in the same way that they did the night before. Have them record their new rankings in column II of the chart. Then move to number 7 and repeat the procedure. Hopefully, students will find an issue or issues in the last five which they feel should receive some ranking among the top five. If so, they they will be forced to reorder their priorities and rethink their previous rankings and reasons. One goal of the lesson is to cause students to continually consider their previous ideas and do much comparative thinking.

After the 10th issue has been dealt with, you will probably want to do some comparing within the entire class and discuss the case which received the highest ranking by the most students. Ask about why they felt as they did. When adequate time has been spent on this question, you might want to go into the courts' findings in the nine cases actually ruled upon. Students might then be encouraged to speculate about how the court would feel about Case #5 if it should come to pass and come to the Supreme Court.

COURT FINDINGS

1. Writs of Assistance Case (1761) - The English Parliament permitted these writs as an exception, in the colonies, to the common law that prevailed in England.

2. *Schmerber* v. *California* (1966) - Court held that this kind of a search after a proper arrest is legal.

3. Wilkes Case (1763) - English court awarded damages to Wilkes for illegal search and false imprisonment.

4. *Blefare* v. *United States* (1966) - This was held not to be a violation of their constitutional rights.

5. (Hypothetical case)

6. *Katz* v. *United States* (1967) - Supreme Court of the U.S. ruled in the subject's favor.

7. *Dumbra* v. *United States* (1925) - The U.S. Supreme Court upheld the conviction of the Dumbras. The agent had a proper search warrant after showing probable cause.

8. *Terry* v. *Ohio* (1968) - The U.S. Supreme Court upheld the conviction.

9. *Berger* v. *New York* (1967) - The U.S. Supreme Court ruled in favor of the subject, Berger. The eavesdrop order must describe the conversation to be seized.

10. The Ohio Supreme Court upheld the subject's conviction, but this was reversed by the U.S. Supreme Court.

THREATS TO THE FOURTH AMENDMENT

On the chart below, rank the following 5 issues involving the 4th Amendment to the Constitution. Decide which in your mind is the most serious threat and rank it first, next most serious threat second, and so on. Use column I.

THE ISSUES:

1. To help British officials catch smugglers, judges issued general search warrants called "writs of assistance." With these writs, officials could search any ship, warehouse, or private home for evidence of smuggling. The searches had to be done in daylight hours and a sheriff had to be present. With a writ an officer could enter private property at will, breaking locks and spreading terror. The writs could be used over and over again. (1768)

2. The driver of an auto, after an accident, and his arrest, without his consent, is given a blood alcohol test. In the test a blood specimen is taken. (1966)

3. A printer who has frequently criticized the government has his shop entered forcibly and searched. A general search warrant was used. The warrant allows the holder to search what he wishes. (1763)

4. The suspects in a narcotics case swallowed something at the time of their arrest. Tubes were inserted through the defendants' noses and into their stomachs, through which fluid was injected to induce vomiting in order to recover narcotics. (1952)

5. The government decides to establish a data bank with vital statistics and information about all Americans. The information included has to do with credit, health, work records, family, organizations the subject belongs to, and other similar kinds of information. (Hypothetical)

Rank	I	II	III	IV	V	VI
1st						
2nd						
3rd						
4th						
5th						
6th	6					
7th		7				
8th			8			
9th				9		
10th					10	

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

-4th Amendment,
U.S. Constitution (1791)

FREEDOM FROM SEARCH AND SEIZURE: III/3/3

ISSUE 6

The subject is suspected by the F.B.I. of running an illegal interstate betting operation from a major western city. By following him they found that he made a number of phone calls from the same public telephone booth at the same time every day. Without a search warrant, the agents placed a "bug" about the size of a postage stamp on the outside of the booth.

Our subject continued to make cross-country phone calls placing illegal bets on college football games. With this recorded evidence he was convicted of violating a federal law that prohibits making bets on sporting events across state lines.

He appealed to the Supreme Court arguing that the right to privacy had been invaded, and that the evidence was seized without a warrant and should not be used. The F.B.I. argued that there was probable cause to suspect a crime and that they had not tresspassed or invaded the phone booth with the "bug."

ISSUE 7

Our subject, during the Prohibition Period, was given a special permit to make wine, but he could sell the wine only to authorized persons. His wife operated a small grocery store next door. One day a federal agent, entered the store and asked to buy some wine. The wine was sold to him. The agent then asked the court for a warrant to search the store. The judge gave the agent a warrant, and in the search 74 bottles of wine were found. The store owner and his wife were arrested but argued that the search warrant had been granted without probable cause--that is, a reasonable ground for suspicion, supported by facts, that the party was guilty of a crime. The government argued that there had been sufficient facts to suspect both man and wife of engaging in the illegal sale of wine.

ISSUE 8

The police detective had watched two men walking by the same store several times as though they were "casing" it. As they walked by again he approached and asked their names after identifying himself. Each suspect mumbled a name after which the detective grabbed one man and frisked him. On both men the detective found a gun; they were arrested and convicted of possessing concealed weapons. In the Supreme Court they argued that the stop and frisk was an unreasonable search. They claimed that their right to privacy under the 4th Amendment had been violated. The weapons, they said, had been seized without a search warrant. The detective's lawyer argued that he had the right to investigate suspicious situations in order to prevent a crime.

ISSUE 9

The police suspected the subject of bribing a public official. They obtained permission from a state judge to wiretap his phone. The police showed good reason for believing that the subject was committing or would commit a crime and were therefore given the right to tap the telephone or eavesdrop. After listening to the subjects phone calls for two months, the police arrested the subject and he was convicted of bribery. The subject argued that tapping his phone was an invasion of his privacy and that, while a search warrant is valid for only one search, the tap had been kept on the phone for two months. The police argued that criminals using modern methods must be faced by law enforcement agencies using equally modern methods. Further, they said, listening to a phone is not like searching a house. When searching a house you can look at everything at one time, while in listening to a person's phone calls, officers must listen to a large number of calls before they get the information they need.

ISSUE 10

One afternoon in May of 1957, three police officers knocked at the door of a woman's home. They had been told that a person was hiding out in the home, who was wanted for questioning in connection with a recent bombing, and that there was a large amount of numbers racket material in the home. The woman would not let the police in until she had contacted her attorney. He told her to keep them out until they produced a search warrant. Instead, the police broke in the door, placed handcuffs on the woman and searched the entire house. Though they found nothing they were looking for, the police did find four pamphlets, a couple of photographs and a little pencil doodle, all of which were declared "obscene" material. The woman claimed that they belonged to a recent boarder. She was convicted and sentenced.

November 16/22: Equal Protection Under the Law

TO THE TEACHER:

OBJECTIVES:

1. Students should demonstrate an understanding of the Fourteenth Amendment and an ability to use it in oral arguments.

2. Each student should be willing and able to read a case summary and prepare arguments on both sides of that case.

3. Over half of the students should express themselves orally at some time during the class period.

PROCEDURES:

On the day before the lesson is to be used, send home with each student the summary of the *DeFunis* v. *Odegaard* case (pages three and four) and ask students to prepare as many written arguments as possible on both sides of the case. Students should be encouraged to go beyond the arguments presented in pages three and four. Students should bring these written positions to class on the following day.

At the beginning of the period when the lesson is to be used, hand out pages five and six, and ask each student to take a few minutes to study this background material. At the same time, select two or three students to represent DeFunis and a like number to represent the University's president. It might be best to select rather articulate students who enjoy expressing themselves. Put these two groups someplace where they can talk among themselves and prepare their cases. Pages five and six will help these two groups also.

During the 10 to 15 minutes these groups are preparing their cases, conduct a general class discussion of the questions on page six.

(Note: In Case #1, *Plessy* v. *Ferguson* (1896), the Court, as stated, held that "separate but equal" facilities met the test of the Fourteenth Amendment and were constitutional. In Case #2, *Sweatt* v. *Painter* (1950), the Court ruled in favor of Sweatt on the grounds that actually equal facilities must be provided and the facilities in question were not in fact equal. In Case #3, *Brown* v. *Board of Education of Topeka* (1954), the Court declared state-enforced segregation in public schools was unconstitutional, even if facilities were equal. Its grounds were that placing minority groups in separate schools by state action "...solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a very unlikely ever to be undone...." Such state action, therefore, deprived such minorities of the equal protection of the laws guaranteed by the Fourteenth Amendment.)

(continued)

Then reassemble the entire class. The "attorneys" for DeFunis begin the argument and are given a maximum of five minutes to present their case. Odegaard's position follows for the next five minutes. A five minute exchange follows that. The fourth five minute segment should be devoted to question and comments from the "jurors" (remainder of class) to either of the two presenting groups. After that, a vote could be taken among the jurors and a discussion could follow. You need to know that the state courts upheld DeFunis' position, he was admitted to the law school and the case was appealed to the U.S. Supreme Court. Since DeFunis was already in the school and about to graduate (June, 1974) the Court called the case moot by a 5-4 vote.

You might wish to close the class period with questions like the following:

1. A job vacancy--a promotion--is posted. The two applicants for that job are equal in all ways except that one is male and the other female, and that the male has more seniority than the female. The female gets the promotion to a management level because the company has no females at that level, but seniority is the time-honored criteria for promotion. Is this situation just?

2. The president of a prestigious Eastern University was recently asked by an indignant alumnus, "You mean that if everything is equal between my son and some young man from a city ghetto, that you will give preference to the ghetto product?" The university president calmly replied that with all the many advantages enjoyed by the alumnus' son, if everything was still equal the ghetto product was probably the more promising person. What do you think?

EQUAL PROTECTION OF THE LAWS

The Law:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

-The 14th Amendment, U.S. Constitution, (1868)

The Issue:

Is it constitutional to discriminate against a white person in order to help overcome the effects of past discrimination against blacks? Does the Fourteenth Amendment prohibit special preferences in favor of blacks, if such preferences discriminate against white people on account of their race? Is "reverse discrimination" constitutional?

The Case:

DeFunis v. *Odegaard*, 1971. Marco DeFunis, age 22, a Phi Beta Kappa graduate, filed suit against the University of Washington for failing to admit him to the law school. His suit claimed that he was denied admission because be was white and that 36 other less qualified candidates for the law school were admitted because they were black. The suit against the University President, Charles Odegaard, established that the 36 minority students had been admitted although their college grades and Law School Admission Test scores were inferior to his.

The Arguments:

The university argued that DeFunis was a marginal candidate, that 29 whites who had better scores than he were also rejected and that 38 whites with scores lower than DeFunis had been admitted. The school contended that this proved that it did not make decisions on grades and test scores alone--that such other factors as where the student was from, personal recommendation, and extra-curricular activities were also given due weight. Race was one factor in enriching the diversity of the student body, claimed the lawyers. They said that increasing the number of minority students would help add to the very low number of minority lawyers in the state and the nation.

One authority argued, "A farm boy from Idaho can bring something to Harvard College that a Bostonian cannot offer. Similarly, a black student can usually bring something that a white person cannot offer. The quality of the educational experience of all the students...depends in part on these differences in the background and outlook that students bring with them."

Another lawyer pointed out that without special treatment of minorities, DeFunis' class would have been "lily white."

The American Bar Association cited its efforts to increase the proportion of U.S. lawyers who are black. It produced figures which showed that one percent of the lawyers in the U.S. are black compared with 12 percent of the population which is black.

The attorneys for DeFunis emphasized the fact that many of the minority applicants were admitted with grades and test scores below the formal cutoff point for whites. And the school even conceded that in its admissions process it actually put minority candidates (Chicanos, blacks, American Indians) in a separate pool for special consideration. "What the university did," DeFunis' attorney said, "was admit two classes, not one."

Such a guarantee of places for minorities raised the problem of a "quota" system. The Anti-Defamation League of B'nai B'rith claimed, "...the racial quota that is involved in this case is of particular concern to the Jewish minority in this country because of the long history of discrimination against Jews by the use of quotas...after only 30 or 40 years of open admissions, the universities which, for centures, set the style in excluding or restricting Jewish students may again be able to do so." The ADL said, "If the Constitution prohibits exclusion of blacks and other minorities on racial grounds, it cannot permit exclusion of whites on racial grounds."

One learned jurist argued that the Fourteenth Amendment's Equal Protection clause "commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized." He added, "A DeFunis who is white is entitled to no advantage by reason of that fact; nor is he subject to any disability.... Whatever his race, he had a constitutional right to have his application considered on his individual merits in a racially neutral manner."

HISTORICAL BACKGROUND

This nation's traditions of freedom and liberty, of rights and equality, were taken in large part from English traditions. Shortly before the birth of the United States a slave by the name of Sommersett, purchased in Virginia, went to England with his master. While there he left his master, but was recaptured and placed on board a ship so that he could be taken to Jamaica and resold. His master had directed that this be done. However, the English courts ordered Sommersett to be brought into court. The court declared that any slave brought onto English soil was a free human because England had no law permitting slavery.

Although the American Revolutionaries believed in many parts of the English traditions of freedom and liberty, much did not carry over into the new United States. Slaves, for example, were counted as 3/5th of a person for apportioning representation and taxation in the new Constitution and a black slave could not establish his freedom by living in a free territory of the United States. It took almost another 100 years and a Civil War before America caught up with the Sommersett ruling. The Thirteenth Amendment abolished slavery in the U.S. and the Fourteenth declared that "no state shall...deny to any person within its jurisdiction the equal protection of the laws." In spite of this, blacks continued to be treated differently than whites: they were required to use separate washrooms, fountains, railroad cars, schools, eating facilities, etc.

In reading the following historic cases, consider the questions below:

1. What do they have in common?

2. How are they different from one another?

3. In Case #1, the Supreme Court ruled against Plessy, holding that separation of the races was reasonable and that separate-but-equal facilities did not by themselves impose inferiority. How do you think, then, that the Supreme Court would rule in the other two cases?

00052

CASE 1:

Mr. Plessy, a man who was one-eighth Negro and seven-eights Caucasion, took a seat in a car reserved for white people on a Louisiana train. The conductor ordered him to go and sit in the car for blacks. When Plessy refused to move, he was arrested and later convicted of violating a Louisiana law which required separate accommodations for whites and blacks on Louisiana trains.

CASE 2:

Mr. Sweatt wanted to become a lawyer, so being a resident of Texas, he applied for admission to the University of Texas Law School. But, because Sweatt was black, his admission was denied. No law schools in Texas admitted Negroes. The state courts ruled that separate but equal facilities must be provided for blacks. A separate school was provided, but Sweatt refused to enter pointing out that the law schools were not equal. The University of Texas had better facilities, more teachers and students, and greater prestige. The state claimed that so long as the facilities could be made equal, they could and should be separate. No white student could enter the black school and no black student could enter the University of Texas Law School.

CASE 3:

Linda Brown, an eight-year-old Negro girl, could not attend the white elementary school only five blocks from her home. Separate elementary schools for Negroes and whites were a part of the law in Topeka, Kansas, so Linda had to go 21 blocks to get to the closest elementary school. Linda's parents argued that separate schools caused a great inconvenience and had a harmful effect on Negro children, and that separation enforced by law implied that blacks were inferior.

"A More Perfect Union"; The American Government

November 23 through December 20, 1975

November 23/29: "In Congress Assembled. . .": A Representative Legislature

TO THE TEACHER:

OBJECTIVES:

1. Students should be willing to participate in a role playing simulation.

2. The majority of students should, at some time during the lesson, demonstrate orally an understanding of the central issue: the balance of powers between the President and the Congress.

3. Some students should allude to positions of past leaders as represented on pages three and four.

(This lesson focuses on the Calendar question: "With the Executive Branch steadily growing in power, what chance does Congress have to make its influence felt?")

PROCEDURES:

On the day before the lesson is to be used, send home with each student a copy of pages three and four. Page four closes with a setting of the issue which will be the subject of a role-playing simulation on the day of the lesson. Ask the students to read the materials carefully and be prepared to answer the questions at the close of page four.

At the beginning of the period when the lesson is used, pick out 12 students to play the roles of Congressmen. Number these students 1-12 and hand each the appropriate role infoimation from pages six through ten. (You must reproduce these and separate each piece before the period begins.) Next, pick out six people to play the President or Executive Branch advisors. Give each of these their role description appropriate to each. Provide a few minutes for each to examine his or her role information and possibly add to the role any arguments applicable so long as the argument is consistent with the general role position. The third group, "The Public," is composed of all students in the class not involved in the "The Congress" or "The Executive" Groups. Spend a few minutes with the Public Group discussing the ideas about the three questions at the close of the previous night's reading.

(Specific directions for "The Impoundment Game" role playing can be found on page five--you may wish to duplicate those in quantity to provide one for each student. In order to keep the game as simple as possible, Congress has been put together in one House though, of course, there should be two. Also, public opinion does not totally determine "winners" and "losers." The Supreme Court could help resolve these kinds of disputes as can parliamentary manuevering. For example, the Congress might force the President to alter his position by withholding certain legislation which is important to him.)

(continued)

00084

Questions for Closing Discussion:

1. Why did you support the branch you did?

2. If the President continues and increases this kind of action, what will become of the Congress' power of the purse?

3. If the President was opposed to above-ground Nuclear Testing because of its harmful effects on the environment and the Congress appropriated money for these kinds of tests, would the President be "right" if he refused to spend the money, thereby killing the tests?

"IN CONGRESS ASSEMBLED"

"Some argue that there is a serious confusion of roles in the three branches (of the national government). With the Executive Branch steadily growing in power, what chance does Congress have to make its influence felt?"

From James Madison in The Federalist Papers #51:

"The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others."

From James Madison in The Federalist Papers #58:

"The House of Representatives cannot only refuse, but they alone can propose the supplies requisite for the support of government. They, in a word, hold the purse--that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure."

From Senator Sam Ervin in Congressional Digest, pp. 111-113, Vol. 52, #4, April, 1973:

"Such a power (impoundment) clearly is prohibited by the Constitution, which empowers the President to veto entire bills only. By impounding appropriated funds, the President is able to modify, reshape, or nullify complete laws passed by the legislative branch, thereby making legislative policy--a power reserved exclusively to the Congress. Such an illegal exercise of the power of his office violates clear constitutional provisions."

"Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful execution of that role and places Congress in the paradoxical and belittling position of having to lobby the Executive to carry out the laws it has passed."

From President Nixon's News Conference, January 31, 1973:

"The constitutional right for the President of the United States to impound funds and that is not to spend money, when the spending of money would mean either increasing prices or increasing taxes for all the people, that right is absolutely clear."

"The general interest of this country, the general interest whether it be rich or poor or old, is don't break the family budget by raising the taxes or raising prices, and I am going to stand for that general interest. Therefore, I will not spend money if the Congress overspends, and I will not be for programs that will raise the taxes and put a bigger burden on the already overburdened American taxpayer."

30186

PRECEDENTS

President Jefferson in 1803 notified Congress that the sum of $50,000 set aside for gunboats remained unspent. He pointed out that a change in the situation of the Mississippi River meant that the money need not be spent because the gunboats were no longer needed.

In 1896, the Attorney General ruled that a President need not spend all of the money set aside by Congress if he can get the work done for less.

The 1964 Civil Rights Act empowered the President to withhold funds from federally financed programs in which there is discrimination by race, color, or national origin.

George Mahon, Chairman of the House Appropriations Committee in 1969, said that "the weight of experience and practice bears out the general proposition that an appropriation does not constitute a mandate to spend every dollar appropriated...I believe it is fundamentally desirable that the Executive have limited powers of impoundment in the interests of good management and constructive economy in public expenditures."

FOR CONSIDERATION:

The broad issue, as stated above, has to do with the powers of the Congress and the Executive (the President). Specifically, we are interested in the issue of Presidential Impoundments of Funds. In the early 1970's the Congress passed and financed ($200,000,000) the Clean Water Act. The President vetoed the Act but the Congress overrode the veto. Thereafter the President impounded the funds. In other words, he would not allow the money to be spent thereby making the Act itself meaningless.

Should the President be able to withhold or eliminate funds necessary to carry out acts and bills passed by Congress?

QUESTIONS:

1. What does the term impoundment mean?

2. Which of the above documents or statements support the idea of impoundment?

3. What does the Constitution say or <u>imply</u> about Congress' power to appropriate funds and the President's power to decide whether to spend them? (See especially Article I, Sections 7 and 8.)

THE "IMPOUNDMENT" GAME

Participants: (Three groups of students.) CONGRESS: 12 students, one of whom is the chairperson. PRESIDENT AND ADVISORS: 6 students, The President, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education and Welfare, Secretary of Agriculture, and the Budget Director. THE PUBLIC: All other students in the class.

The Issue: Should the President be able to withhold or eliminate funds necessary to carry out acts passed by Congress? We will specifically deal here with the Clean Water Act.

Object: The winner of this contest between the President and the Congress is that group which gains the greatest amount of public support. Public support will be registered by Public votes at the close of rounds 3, 4, and 5.

Note: (You may want to paraphrase this on the chalkboard.) The arguments given to each of the 18 people in Congress or in the Executive Groups are numbered. Number 1 sentences may be used in any round, since they speak about the Act itself. Number 4 sentences may be used only in round 4 where the issue is the President's veto. Number 5 sentences may be used only in round 5 where impoundment has become the issue.

Round 1: Two separate debates or discussions will be held by the Congress Group and the President with his advisors. Participants in these two groups will be guided by role cards but can use their own arguments as long as these arguments are consistent with the roles as outlined. The issue being discussed is the proposed Clean Water Act. Congress should discuss it aloud for the benefit of the Public and then the Executive Group should do the same.

Round 2: Each of the two groups takes a vote to establish its position on the proposed Clean Water Act.

Round 3: One member of the Congressional Group announces passage of the Act to Executive Group. At this point the President will make a statement to the entire class outlining his position--he threatens a veto for several reasons. The public opinion poll to follow should be based on the Public's observations of the Congress and President to this point.

A public opinion poll, a show of hands, will be conducted at this point to determine the amount of support for the President and the amount captured by Congress.

Round 4: Both the Congressional Group and the Executive Group (The President announces his veto) may make public statements in defense of their positions and in an attempt to sway public opinion. This time the issue has become not only the Act and its merits or lack of same, but the veto and the Congressional attempt to override. After four or five minutes, a second public opinion poll should be taken and the results added to the results of the first. The total of three opinion polls at the close of the next round will decide the winner. Before this second poll is taken; however, the teacher should announce to the class that Congress has overridden the President's veto.

Round 5: To open the round, the President rises and publically informs Congress that he will impound or not spend the $200,000,000 provided to fund the Clean Water Act, and that he will do this in the name of and for the benefit of all of the people. At this point, the representatives of the two Groups may again, for six to seven minutes, make public statements about their positions. When all who wish to speak have had an opportunity, a third public opinion poll should be taken. The totals should be calculated and a winner declared.

Turn then to the questions on page one of the Teacher's plan.

ROLES

CONGRESS

Student 1

Chairperson and spokesperson for the group. Votes for the Act and to override the veto. Arguments:

1. The Constitution gives Congress the power to provide for the general welfare. (Be prepared to give specific examples.)

1. This Act provides something good for all people.

5. If the President can impound funds as he is attempting to do, he can in fact, take away the power of Congress thereby violating the intent of the Constitution.

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Student 2

Votes for the Act and to override the veto. Arguments:

1. Public opinion polls indicate that the vast majority of our citizens support the Act.

1. Industry and the various communities have been unable or unwilling to clean up their own dirty waters.

4. I intend to do my best to make this a veto proof Congress. This issue is one that the people do not want to see vetoed.

- -

Student 3

Votes for the Act and to override the veto. Arguments:

1. In many communities the water has become unsafe.

1. Recent tests have indicated that water treatment facilities can not clean the drinking water of major metropolitan centers--St. Louis is a specific example.

5. The Congress is to decide when money shall be spent, not the President.

- -

Student 4

Votes for the Act and to override the veto. Arguments:

1. Passage of the Act will provide jobs at a time when more jobs are needed.

4. The Constitution gives the President the power to veto acts he does not like for one reason or another, but the Congress has the authority to override that veto if it can put together the votes.

5. Never before has the power of Congress been so threatened; we cannot permit the President to impound these funds. The will of Congress is clear.

Student 5

Votes for the Act and to override the veto. Arguments:

1. If the money is not spent now to correct the problem, that problem will become more serious and the solution more expensive.

5. We grant that other Presidents have attempted to impound funds or to switch funds from one account to another. We would merely point out that such action cannot be supported by the Constitution, and IS not by public opinion.

- -

Student 6

Votes for the Act and to override the veto. Arguments:

1. Mr. President, at a time when so many people are conscious of the damage being done to the environment, you are making a serious error in opposing the Act.

5. By cutting off funds you are actually killing measures which have been written and approved by the representatives of the people.

- -

Student 7

Votes for the Act and to override the veto. Arguments:

4 or 5. Do not the wishes of 535 elected Representatives better reflect the will of the people than the selfish desires of one man?

5. At the present time we are drafting legislation which will make it impossible for presidents in the future to impound funds.

5. Your actions have brought on this kind of legislation.

- -

Student 8

Votes for the Act and to override the veto. Arguments:

1. We need action and we need it now.

1. In my district, the drinking water in four different areas has been declared unsafe for public consumption.

5. We should probably take this whole impoundment issue to the Supreme Court, but that is a slow way to go and the Court has not been anxious to act on this kind of issue in the past.

Student 9

Votes against the Act but votes to override the veto. Arguments:

1. The money is needed in other areas and people in my area do not seem that concerned about the quality of the water at this time.

4 or 5. Since my initial vote, I have received enough mail so that I am now convinced that I was wrong.

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Student 10

Votes against the bill and supports the President's veto. Arguments:

1 and 4. This job could better be done by private industry or local communities.

1 and 4. It is none of our business at this time.

5. Past presidential action clearly indicates that presidents have impounded funds but I am bothered by it.

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Student 11

Votes against the bill and supports the President's veto. Arguments:

1 and 4. The water in my neighborhood is clean.

1 and 4. This Act is an attempt by some of us to get the Federal Government to do things that we should be doing for ourselves.

1 and 4. I would like to know more about how the money was to be spent.

1 and 4. Who is going to profit from this huge amount of money?

- -

Student 12

Votes against the bill and supports the President's veto. Arguments:

1 and 4. Where were some of you yesterday when I had some important legislation which despareetely needed to be passed?

1 and 4. This Congress tries to solve all of the country's problems with money.

1 and 4. There are other ways to solve this problem. Why not turn it over to private enterprise?

4. The President has the Constitutional right to veto a bill that he considers unwise; we should respect his veto.

5. I supported the President's veto but cannot support this obvious disregard for the will of the Congress.

EXECUTIVE

Student 1

The President. Is much opposed to the Act and urges support of the veto. Arguments:

1 and 2. The money is needed in other areas. (Suggest other ways of spending the money--highways, poverty, welfare, etc.)

1 and 2. The Congress is asking me to spend money we don't have.

1 and 2. I am opposed to higher taxes.

3. (To be used at the beginning of round 3) The President tells Congress and the Public that he is opposed to the bill and is considering a veto.

4. Announce the veto sometime during round 4.

5. (Presidential statement to open round 5) My job calls for me to act in the best interest of all the people, and spending this money now is clearly not the thing to do. It is clear that I have the obligation not to spend the money and I will not spend it. I am still willing to cooperate with Congress but not on this issue.

5. Other presidents have impounded funds when they thought that to be a wise course of action.

- -

Student 2

Secretary of Commerce. Supports the President in all of his actions. Arguments:

1 and 4. Spending the money in this way will encourage inflation at a time when that is our number one problem.

1 and 4. The President best knows the will of the people and his decisions should be respected by the Congress.

5. Congress may vote the money, but the President will make the decision about spending it.

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Student 3

Secretary of Labor. Will support the President in all of his actions but has some reservations. Arguments:

1. I am tempted to support the Act because it will create some badly needed jobs.

1. However, the money should probably be spent elsewhere, if spent at all.

1. It would be wise to wait for newer, more efficient technology which probably would be less expensive.

5. I seem to recall that President Jefferson refused, wisely, to spend some funds and it turned out well.

Student 4

Secretary of Health, Education and Welfare. Will support the President in all of his actions. Arguments:

1 and 4. We have decided that the bill is unwise, and the executive branch is more competenc to make such decisions than the legislative branch.

1 and 4. If the $200,000,000 is not spent in this way at this time, it could be used to send military aid to Israel and the starving people in Bangladesh.

4. If the people disapprove of the President's position, they can say so at the time of the next election by not voting for him.

5. I am opposed to any new laws passed by Congress giving that group more power.

5. There have been times when the Congress has encouraged the President to withhold the spending of certain funds if spending them were not in the country's best interets. Such is now the case.

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Student 5

Secretary of the Interior. Will generally support the President and his vetoes. Arguments:

5. If you disagree with the President's right to impound funds, why don't you, the Congress, pass a law which will deny him that power?

5. The executive branch has the responsibility for the letting of contracts and the actual spending, or not spending, of monies.

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Student 6

Budget Director. Will vigorously support the President in all of his actions. Arguments:

1 and 4. We are trying hard to avoid raising taxes.

1, 4 and 5. Spending this money at this time will mean that taxes must be raised to cover the expenditure.

4 and 5. The Congress actually decided to spend this money before they knew about the current financial problems or needs.

4 and 5. At one time the Congress may have been correct but new information shows that it is no longer so.

November 30/ December 6: A President: An Elected Executive

TO THE TEACHER:

OBJECTIVES:

1. At least half of the students should be willing to enter into a summary discussion, and several should express a desire to pursue a related subject in greater depth.
2. Each student should be able to make a statement in defense of President Truman's 1952 actions seizing control of the nation's steel companies, and one in opposition using the Constitution and/or Federalist Papers as a basis for these positions.
3. Each student should demonstate a willingness and ability to participate in a group role-playing activity.

(The lesson focuses on the calendar sub-question: The Extent of Presidential Power in Time of War.)

PROCEDURE:

This one day lesson should be dealt with in four steps:

A. The preface, with excerpts from the Constitution and the Federalist Papers, and a statement of the issue as it appeared in 1952, in Youngstown Sheet & Tube Co. v. Sawyer.
B. The role-playing information in the form of "position statements."
C. Supreme Court opinions on the case.
D. Follow-up discussion questions, and suggestions for further inquiry.

We suggest that you provide copies of #A for each student on the day before you plan to use the lesson so that each student might have an opportunity to read that much of the material before the class begins. On the following day, you should begin with a very brief general discussion of the #A materials, thereby making sure that most of the students begin this lesson with some common understandings.

Then select three or four students to role-play each of four positions: the steel companies; a Congressman opposing the President; labor; the President. Give each member of each group a copy of (only) its "position statements" (B) while giving these groups a few minutes to familiarize themselves with their positions (and add arguments of their own), divide the remainder of the class into nine groups representing each of the justices of the Supreme Court: Vinson, (C.J.), Reed, Minton, Douglas, Jackson, and Clark. No Attempt will be made to role-play the actual positions of the justices, but you might wish to point out that they were divided in their opinions. The two or more students who assume the role of one justice will discuss how his "vote" should be cast.

Then have each group (or a single spokesman for each) address the court, making the best argument possible for its position. When the period is about half over, ask for a vote by the "justices." Record it on the board.

Then distribute (C) the statements of Justice Black for the majority and Chief Justice Vinson's dissenting opinion. After students have read these opinions, open the issue to a concluding discussion. On the final page of this lesson (D), we have provided some questions with which to launch such a discussion, and some for more extended inquiries by individuals or groups. You are certainly encouraged, however, to take off in any direction which to you seems profitable.

00095

"Somebody has to 'run' the government, so the founders made provision for a President. But they knew the dangers of kings and dictators, so they saw to it that the President would have no hereditary rights and that his power would be circumscribed by law. For the framers of the Constitution feared above all the concentration of power in one man or one organ of government. How has their design stood up in our century?"

In this lesson we shall deal with the question of the extent of Presidential power in times of war, an especially difficult issue.

HOW THE ISSUE WAS DISCUSSED WHEN THE CONSTITUTION WAS WRITTEN

The Constitution is not clear and definite on the subject. Respecting Presidential war powers it merely says:

> Article II, Section 1: "The executive Power shall be vested in a President of the United States of America...."
>
> Article II, Section 2: "The President shall be Commander in Chief of the Army and Navy...."
>
> Article II, Section 3: "...he shall take Care that the Laws be faithfully executed...."

The war-related powers of the Congress are stated at slightly greater length:

> Article I, Section 8: "The Congress shall have Power...
> To declare War...
> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
> To provide and maintain a Navy;
> To make Rules for the Government and Regulation of the land and naval Forces...
> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

The Fifth Amendment to the Constitution also states: "...nor shall private property be taken for public use without just compensation."

Many people still look to the Federalist Papers, written by Alexander Hamilton, James Madison, and John Jay to persuade New Yorkers to ratify the Constitution, when trying to decide what the writers of the Constitution really had in mind. For the most part, the Federalist Papers only emphasized that the Constitution safeguarded liberty by giving the power to declare war, which had been in the hands of the British King, to the Congress rather than to the President. But Hamilton also wrote:

Federalist Papers #47:

"The President of the United States is to be 'commander-inchief' of the army and navy of the United States, and of the militia of the several States when called into actual service of the United States."

"Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority."

Federalist Papers #70:

"Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy."

Federalist Papers #23:

"...it must be admitted...that there can be no limitation of that authority which is to provide for the defense and protection of the community in any matter essential to its efficacy--that is, in any matter essential to the formation, direction or support of the national forces."

THE ISSUE WAS SERIOUSLY DEBATED DURING THE KOREAN WAR

In early 1952, midway through the Korean War, the nation's war effort was seriously threatened by the possibility of a strike in the steel industry. The steel workers' union delayed the strike over three months while the federal Wage Stabilization Board investigated; when the Board recommended a 26¢/hour wage increase, the union indicated acceptance; management was unwilling to accept unless it was allowed to increase prices further than the Office of Price Stabilization was willing to permit. After several compromise attempts failed, and on the day before the strike was to begin, President Truman ordered the Secretary of Commerce, Charles Sawyer, to take legal possession of the mills and operate them in the name of the U.S. government. Management appealed to a Federal District Court for an injunction, contending there was no law authorizing such action by the President. The President's attorney argued that he held "inherent residual" power under Article II, Sections 1, 2, and 3, to do that necessary to protect the country in an emergency. This District Court ruled against the President; the case was then appealed to the Supreme Court. How do you think it ruled? Why?

000937

POSITION STATEMENTS

Steel Companies:

1. We do not know where President Truman gets his claimed power to seize private property. There is certainly nothing in the Constitution which grants such powers to the chief executive.
2. If President Truman uses the Selective Service Act or the Defense Production Act as a basis for his argument, it should be pointed out that they do not give him seizure powers in a labor dispute, but only in cases in which war production orders are not given priority by industry.
3. Congress has passed a law governing labor disputes, the Taft-Hartley Act; the President could have avoided, and could still avoid, a strike by getting an injunction forcing the union to accept an 80-day "cooling" off period.
4. Since he had a lawful means of postponing a strike, he cannot claim his action was necessary in an emergency. Even if he did, it would still be unconstitutional, since the Constitution does not provide special emergency powers.

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Opposing Congressman:

1. Congress, not the President, is empowered by the Constitution to raise and maintain armies.
2. It has passed no law allowing a President to seize private property as a means of settling a labor dispute, even one threatening war production.
3. It has provided other means to settle labor disputes--the Taft-Hartley Act.
4. If the President is held to have "implied" or "residual" powers, the Constitution is meaningless; he could do anything on the grounds of it being a wartime necessity; he has Constitutional power only to enforce the law, as passed by Congress.

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Labor:

1. We have delayed our strike over 90 days, at the President's request, while the Wage Stabilization Board worked out a solution; to impose the Taft-Hartley Act now would be unreasonable.
2. We were willing to accept the WSB wage solution, but the companies demanded price increases the Office of Price Stabilization would not approve. Since the companies wouldn't go along with solutions arrived at by government agencies according to law, the President had to seize them.
3. By passing the Defense Production Act in 1950, Congress clearly intended that essential production be kept up and inflation held down.
4. His constitutional powers are sufficient; they derive from his power as Commander-in-Chief and his duty to see that such laws are effectively and faithfully executed--that their goals are are achieved.

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Presidential Representative:

1. We all know that a state of national emergency was proclaimed in December, 1950.
2. The war effort must have uninterrupted steel production.
3. The Selective Service Act of 1948 and the Defense Production Act of 1950 authorize the seizure of industrial plants which fail to put defense orders first.
4. The President issued his orders in keeping with the sum of his powers and duties under the Constitution of the United States and his role as Commander-in-Chief during times of dire national emergency. In this technological age the President cannot be bound by too-strict limits.

000498

The opinion of the Supreme Court was split, but the majority ruled against President Truman and in favor of the steel industry. Justice Black, who voted with the majority and against President Truman, stated in part:

We are asked to decide whether the President was acting within his constitutional power when he issued an order directing the Secretary of Commerce to take possession of and operate most of the Nation's steel mills. The mill owners argue that the President's order amounts to lawmaking, a legislative function which the Constitution has expressly confided to the Congress and not to the President. The Government's position is that the order was made on findings of the President that his action was necessary to avert a national catastrophe which would inevitably result from a stoppage of steel production, and that in meeting this grave emergency the President was acting within the aggregate of his constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces of the United States. ...is the seizure order within the constitutional power of the President?...

The President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself. There is no statute that expressly authorizes the President to take possession of property as he did here. Nor is there any act of Congress to which our attention has been directed from which such a power can fairly be implied. Indeed, we do not understand the Government to rely on statutory authorization for this seizure....

It is clear that if the President had authority to issue the order he did, it must be found in some provisions of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed on provisions in Article II which say that "the executive Power shall be vested in a President...; that "he shall take Care that the Laws be faithfully executed"; and that he "shall be Commander in Chief of the Army and Navy of the United States."

The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though "theater of war" be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities.

Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States...." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress--it directs that a presidential policy be executed in a manner prescribed by the President....

The Founders of this Nation entrusted the law making power to the Congress alone in both good and bad times.

The minority position, or that which supported President Truman's action, is found below in the words of Chief Justice Vinson:

....Those who suggest that this is a case involving extraordinary powers should be mindful that these are extraordinary times....

Congressional support of the action in Korea has been manifested by provisions for increased military manpower and equipment and for economic stabilization....

Congress recognized the impact of these defense programs upon the economy. Following the attack in Korea, the President asked for authority to requisition property and to allocate and fix priorities for scarce goods. In the Defense Producation act of 1950, Congress granted the powers requested and, in addition, granted power to stabilize prices and wages and to provide for settlement of labor disputes arising in the defense program....

The President has the duty to execute the foregoing legislative programs. Their successful execution depends upon continued production of steel and stabilized prices for steel....

Accordingly, if the President has any power under the Constitution to meet a critical situation in the absence of express statutory authorization, there is no basis whatever for criticizing the exercise of such power in this case.

The steel mills were seized for a public use. The power of eminent domain, invoked in this case, is an essential attribute of sovereignty and has long been recognized as a power of the Federal Government....

Admitting that the Government could seize the mills, plaintiffs claim that the implied power of eminent domain can be exercised only under an Act of Congress; under no circumstances, they say, can that power be exercised by the President unless he can point to an express provision in enabling legislation....

Under this view, the President is left powerless at the very moment when the need for action may be most pressing and when no one, other than he, is immediately capable of action. Under this view, he is left powerless because a power not expressly given to Congress is nevertheless found to rest exclusively with Congress....

The whole of the "executive Power" is vested in the President. Before entering office, the President swears that he "will faithfully execute the Office of President of the United States, and will to the best of (his) ability, preserve, protect and defend the Constitution of the United States." Article II, Section 1.

This comprehensive grant of the executive power to a single person was bestowed soon after the country had thrown the yoke of monarchy. Only by instilling initiative and vigor in all of the three departments of Government, declared Madison, could tyranny in any form be avoided.... It is thus apparent that the Presidency was deliberately fashioned as an office of power and independence. Of course, the Framers created no autocrat capable of arrogating any power unto himself at any time. But neither did they create an automaton impotent to exercise the powers of Government at a time when the survival of the Republic itself may be at stake.

D.

FOR DISCUSSION:

1. With whom did the majority of the "justices" in your class agree?

2. What arguments seemed to be the most persuasive?

3. How do you think Alexander Hamilton would vote on this issue? What makes you think the way you do about Hamilton's position?

4. Would the President have been "right" to take the action he did if the Hawaiian Islands were attacked? What is the difference, or is there any difference?

5. Under what circumstances is the President justified in seizing private property in support of a war effort?

FOR FURTHER INVESTIGATION:

1. Individual or small group inquiries could well be made into similar claims by other Presidents. Such claims to extensive warpowers were asserted by Presidents Lincoln, Wilson, Franklin D. Roosevelt, and Nixon. Arthur Schlesinger Jr.'s The Imperial Presidency (Boston: Houghton Mifflin Company, 1973) is a recent, and widely-available work which could serve as a point of departure for such investigation.

2. A related, important, but somewhat different question about presidential warpowers is, obviously, "how meaningful, in Twentieth Century circumstances, is the Constitution's assignment to Congress of the power to declare war?" Korea, the Gulf of Tonkin incident, and the Cambodian invasion of 1970, are all instances of presidential power to lead the country into limited wars without a Congressional declaration. Have recent steps taken by Congress altered those powers?

December 7/13: "The Government": The Growth of Bureaucracy

TO THE TEACHER:

OBJECTIVES:

1. Each student, at the close of this lesson, should be able to make at least three statements about the advantages and disadvantages of bureaucracies.

2. The majority of the students should be able to offer an explanation for the growth of bureaucracies in the U.S.

PROCEDURES:

On the day before the lesson, hand out the reading "What To Do After World War III" pages two and three. Ask the students to read this essay before coming to class on the next day.

Open the class period by referring students to the cartoon on page three, and after students have had an opportunity to study it briefly, ask them to describe or talk about its meaning. Then ask the students to compare the cartoon to the Buchwald reading done on the previous night. Students will probably talk about the inefficiency of bureaucracies, their impersonality, their rigidity, their potential power, their seemingly unnecessary regulations, etc. Record these ideas on the board under two headings: "Strengths" and "Weaknesses" of bureaucracies.

Next, ask the students to read the short excerpt (pages four and five) which describes a school much simpler than their own. At the bottom of the reading, but otherwise unrelated to it, students will find a fictional organization chart which describes the post offices confronted by Buchwald's hero. The chart is to serve as a model, for we would like them to draw an organization chart of their own for the simple school described. Any attempt at such a drawing should indicate that there is no bureaucracy in a situation as simple as that described. Though the teacher may have several roles--custodian, purchaser of supplies, disciplinarian, nurse, activities director, teacher, and counselor--all of the jobs are done by one person. Above this one person then must be someone to hire the teacher and finance the operation of the school. (In fact, these functions were almost always performed by school boards, elected from and by local citizens.) Those should be about the only components of the chart except for the students themselves. Ask the students to orally describe their organization charts.

Divide the class into five groups and hand out an assignment (from those on page six) to each group. Each group will have a different task, but they should not be aware of that at this point. Simply hand out one Group A assignment to each member of group A, etc. Provide adequate time for the groups to work out an organization chart, and then reconvene the entire class. Get one person from each group to reproduce the diagram on the chalkboard, and then ask the following kinds of questions:

1. How does your diagram differ from the one you did for the very simple school? Why?
2. What are the advantages of such an arrangment? What are the disadvantages?
3. Are bureaucracies necessary?

00102

WHAT TO DO AFTER WORLD WAR III

Anyone who doubts that the federal government is prepared for World War III just doesn't know how organized Washington really is. A short time ago someone who works for the Treasury Department received his instructions in writing on what he has to do in case of enemy attack.

They read as follows, and I haven't made a word of it up:

...all National Office Employes with or without emergency assignments should follow this procedure. If you are prevented from going to your regular place of work because of an enemy attack--keep this instruction in mind--GO TO THE NEAREST POST OFFICE, ASK THE POSTMASTER FOR A FEDERAL EMPLOYE REGISTRATION CARD..., FILL IT OUT AND RETURN IT TO HIM. He will see that it is forwarded to the office of the Civil Service Commission which will maintain the registration file for your area. When the Civil Service Commission receives your card, we will be notified. We can then decide where and when you should report for work.... You should obtain and complete your registration card as soon after enemy attack as possible, but not until you are reasonably sure where you will be staying for a few days....

Nobody believes it will ever happen, but let us suppose that Robert Smiley (a fictitious person working for the Treasury Department) has just crawled out of the rubble after an enemy attack and remembers the instructions concerning civil defense for federal employees.

After walking for four days and 350 miles, Smiley finally finds a post office that is still standing. He staggers up to a window, but just as he gets there, the man behind it says, "Sorry, this window is closed," and slams it down.

Smiley stumbles to the next window and is told to get in line behind twenty other people. Two hours later he gets to the head of the line and croaks, "I want to register--"

"I'm sorry," says the post office clerk. "This window is just for stamps. Registered mail is at the next window."

"No, no," says Smiley. "I want a federal employee registration card."

"We don't sell those. Now do you want any stamps or don't you?"

"You see," says Smiley, holding onto the window, "I was instructed after the enemy attacked to find the nearest post office and fill out a card."

"You'd better try the parcel post window," the clerk suggests.

Smiley goes over to the parcel post window and gets in line with thirty people. Four hours later he is informed that the post office has run out of federal employee registration cards. They suggest he try another post office.

Smiley staggers out into the road and starts walking again. Four hundred miles up the highway he finds another post office. After catching his breath, he takes the card shakingly to the counter and starts to fill it out. But the pen won't work. He informs the postmaster of this, and the postmaster replies, "We know it, but there's nothing we can do about it. There's a war on."

"But I've got to register," says Smiley, "or the Civil Service

Commission won't know where I am in case the United States Treasury wants to start up again. Couldn't I borrow your pen?"

"What? And ruin the point? Listen, why don't you go over to the Smithtown post office. I hear their pens are still in working order."

Clutching the card, Smiley walks 60 miles to Smithtown, where he fills it out. He mails it that very day.

Years later, Smiley is still waiting for a reply. For in his haste and fatigue, Smiley had forgotten to write down his return ZIP code.

Source: The Establishment Is Alive And Well In Washington by Art Buchwald, J. P. Putnam's Sons, New York, 1969, pp. 15-17.

11/16/72

"OK, FILL OUT THESE FORMS AND SUBMIT YOUR PROPOSAL FOR REORGANIZING FEDERAL BUREAUCRACY IN TRIPLICATE. WE'LL CONTACT YOU IN DUE COURSE."

Source: Oliphant, November 16, 1972, Four More Years, Simon and Schuster, New York, 1973. (Copyright 1973 by Pat Oliphant.)

SCHOOLS IN THE WEST 100 YEARS AGO

Yours of the 16th inst. duly received and I have delayed answering until I could ascertain more definitely just what we could do in School matters.

We expect to start a school on the South Fork of McDonalds Creek, some 12 miles from here, about July 1st, provided they build a school house within that time.... There will be some 9 scholars, mostly small. It is an out of the way kind of a place, and might not suit you very well, but I am told they are real good folks living there.

We will pay $65.00 per month, will have a five mo. term. We will also establish a school at, or near, Mr. Wm. Fergus ranch on Box Elder, but owing to having to build a school house there, (which will absorb their share of money now on hand) we may not be able to commence the term before Dec. 1, but if we can get parents to pay teacher until Dec. 1, we could probably begin July 1st to 15th for a five months term. Next year we expect to have school money enough to hold an eight months term at each of the four places in this district.

If you think the place would suit you, I can promise you the South Fork School as soon as the house is done, or if you prefer to wait I think we could give you the school at Mr. Fergus.

Please let me hear from you on the subject.

Very Respectfully Yours,
Granville Stuart,
Chairman, Board of Trustees,
School Dist. No. 19.

Source: Granville Stuart to Linda Stuart (Fort Maginnis, Montana, May 29, 1884). Copy in Granville Stuart Letterbook No. 2, pp. 57-58, Coe Collection, Yale University.

These school-houses, built before money was available from the public funds, were often cooperative enterprises. Each man furnished so many hewed logs of a given length if the house were to be of logs, or a given number of loads of rock if it were to be of that material. Then at a bee the house was built. If the building was to be a dugout or sod structure, as most of them in the western two-thirds of the prairie states were, the men of the neighborhood brought their tools and constructed it in a day or two. A collection was taken up by public-spirited citizens for the purpose of buying window frames, windows, and doors. In the fifties and sixties the windows consisted merely of holes in the walls as there were no window sashes nor glass.

One settler near the center of the township donated the use of the ground and the settlers came and held a building bee. In a few hours' time a serviceable sod school-house and stable were erected.

The children furnished their own books and what a motley array of tools for the cultivation of knowledge! The lack of uniformity in textbooks was the bane of the frontier pedagogue. The parents brought the old texts from their former homes in the East and often in a class there would be three or four different kinds of geographies or readers.

The life of the early school-teacher was far from pleasant in many respects. He had to board around at the homes of his pupils, staying longest at the

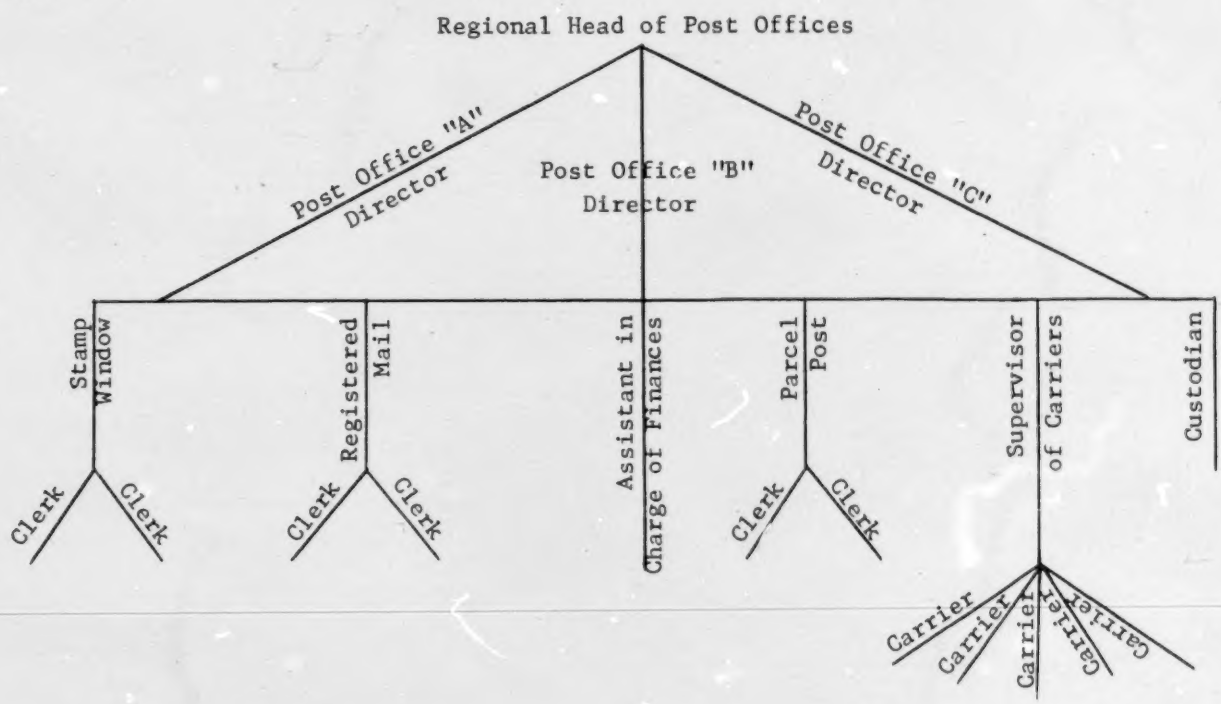
homes with the largest number of children.

She was the school janitor, wending her way across the prairies at an early hour in order to build the fire of green cottonwood. Sometimes the larger boys did this for the teacher. Some who had fallen victim to the teacher's winning personality, occasionally stayed to help her sweep the dusty floor. The wages varied greatly but ran around ten and fifteen dollars a month in the sixties and twenty or thirty in the seventies.

Source: The Sod House Frontier, by Everett Dick, pp. 318-320.

ORGANIZATION CHART

This is a fictitious organization chart based on the Buchwald reading. Use this chart as a model to construct an organization chart for the one-room school house described in the above article.



00106

GROUP ACTIVITY INSTRUCTIONS

Academic Instruction Committee:

Your committee is responsible for academic instruction in a high school. Draw up an organization chart showing by whom each of the following functions is to be performed, and how the several "performers" are to be coordinated a) deciding what courses should be taught in science, in languages, in social studies, etc., b) teaching the courses, c) ordering textbooks, d) general testing of student achievement.

- -

Physical Education Committee:

Your committee is responsible for the physical education instruction in a high school. Draw up an organization chart showing by whom each of the following functions is to be performed, and how the several "performers" are to be coordinated: a) deciding what physical education courses should be taught, b) teaching them, c) scheduling interscholastic sports, d) assigning coaches, e) coaching, f) arranging for transportation, g) providing trainer's services, h) arranging for cheerleaders, bands, etc.

- -

Supporting Services Committee:

Your committee is responsible for providing services which support the academic instruction in a high school. Draw up an organization chart showing by whom each of the following functions is to be performed, and how the several "performers" are to be coordinated: a) organizing and running a library, b) organizing and running a media center, c) organizing and running a counselling service.

- -

Single-School Administration Committee:

Your committee is responsible for setting up the administration in a high school. Draw up an organization chart showing by whom each of the following functions is to be performed, and how the several "performers" are to be coordinated: a) supervising instruction, supportive services activities, b) planning and controlling a school budget, c) providing food services, d) providing custodial services, e) handling disciplinary problems, f) registering students for courses and keeping transcripts.

- -

School District Administration Committee:

Your committee is responsible for the general administration of a school district. Draw up an organization chart showing by whom each of the following functions is to be performed, and how the several "performers" are to be coordinated: a) planning and controlling a district budget, setting up and negotiating salary policies, b) hiring teachers and assigning them to schools, c) coordinating the curriculum of elementary, junior high schools, and senior high schools, d) deciding which students go to which school, e) arranging transportation, f) central purchasing.

December 14/20: "By Consent of the States. . ."

TO THE TEACHER:

OBJECTIVES:

1. Students will examine and discuss five issues about state vs. federal power between 1787 and 1969.

2. After reading an article about regionalism and examining a series of maps showing natural resources, industries, and farming areas, the students will be willing to construct their own regional map and state their reasons for drawing the map as they did.

3. Given arguments in favor of regionalism, and one scholar's concept, the students should be willing to discuss the questions: "Is regionalism a feasible concept? Would it solve the weaknesses of the present system?"

PROCEDURES:

On the day before the lesson, duplicate all of the following pages in sufficient quantity to provide one copy for each two students in your class. Begin the lesson by asking each student in the class to sit with a partner. Then hand out page two, asking each pair of students to read through the five issues and answer the questions. (They will need a copy of the U.S. Constitution to answer question #3.) After a few minutes, use the questions as a basis for discussion about state vs. federal rights. Summarize their conclusions by writing their statements on the chalkboard.

Now hand out pages three through eight. The students will read the introductory paragraphs on page three and answer the questions as they work through the assignments. On Map #4, each pair of students will construct its own map with their proposed regional boundaries. (A map of the U.S., usually found in textbooks, would help them identify reference points since none of the maps in this exercise is labelled with cities' or states' names.) Maps #1, 2, and 3 should help the students to organize their ideas. Encourage them to use their imaginations, but their boundaries should be based on topographical features, and the distribution of population, industries, natural resources, and farming areas. Add more interest to the exercise by having the students devise names for their regions.

Allow approximately 15 minutes for the students to complete this phase of the exercise, then call on a few pairs to present their map to the class. Ask them to answer the questions on page three.

When you feel enough of the students have responded, hand out Map #5 which shows how one scholar thought through the issue of regionalism. Give the students some time to compare their maps with his and to react to the 38 divisions he proposed.

Conclude the exercise with the following questions: Is regionalism a feasible concept? Would it solve the weaknesses of the present system?

00108

THE TREND IN THE POWER OF THE STATES

Study the following five issues: What do they have in common? What is the general trend? (Notice the dates.) What does the Constitution have to say about the roles of the states and federal governments? (Examine a copy of the U.S. Constitution.)

Issue 1: 1787-The Federalists (those who believe in a strong Federal Government) wanted to set aside the weak Articles of Confederation which granted great power to the states. The Federalists wrote a new Constitution which gave the national Congress the right to make all laws which the states were not competent to write and allows a Federal Government to throw out all state laws which the states had made or would make which conflicted with the U.S. Constitution. It provided for a President, Congress, and Courts with clear power over the states in many matters.

Issue 2: 1830-The state of South Carolina, with the blessing of several other states, and infuriated by a new federal tariff, called a Convention within the state. The Convention "nullified" [did away with] the federally passed tariff and set up funds for a military force and weapons. President Jackson forcefully pointed out that nullification would destroy the union, violated the Constitution, and was destructive of the greater good. Jackson requested and Congress passed the Force Bill, which authorized troops to collect customs duties should that become necessary.

Issue 3: 1850's-Certain leaders of the Southern States in the United States continued to talk about secession (a state or group of states leaving the U.S. and forming a separate country). Plagued and frustrated by the issues of slavery, economic development, tarriffs, fugutive slaves, and the balance of power in Congress, the Southern States moved to secession. Forts and arsenals belonging to the Federal Government were seized by several southern states as they seceded from the Union. The Civil War followed and the Southern States were forced back into the United States.

Issue 4: 1957-At Little Rock, Arkansas, the local school board had obtained court approval for admitting black students to the all-white Central High School. Arkansas Governor, Orval E. Faubus, a segregationist, called out the National Guard and ordered it to bar entry to nine black students. After an injunction was issued against his actions, Faubus withdrew the National Guard. Almost immediately, mobs of aroused citizens (intent on keeping the black students out of the high school) took the place of the National Guard. President Eisenhower sent regular army troops in to break the blockade and protect the students who proceeded to enter the school. Federalized National Guardsmen stayed at the school for the remainder of the school year.

Issue 5: 1969-Many states complained that they were unable, for lack of funds, to meet the needs of their citizens. President Richard Nixon in an August 8 speech referred to what he called the "New Federalism." "For a third of a century," he said, "power and responsibility have flowed toward Washington, and Washington has taken for its own the best sources of revenue." His intent in the "New Federalism" was to return a set portion of the revenues from Federal income taxes directly to the states with very few if any Federal restrictions on how these funds were to be spent. He called this a "gesture of faith in America's state and local governments and in the principle of democratic self-government." Congress accepted the proposal.

THE QUESTION OF REGIONALISM - PART I

For many people, the issue of states' rights is a moot question. For them the concept of federalism is an unargueable one. Why argue over an issue that was settled so convincingly in the 1860's? With revenue sharing easing state financial burdens, the issue is even more academic.

Instead of reviving dead ghosts, these people look towards the future, a future in which the present state structure doesn't share. They feel that the 50 state idea is outmoded, has served its function, and now should be replaced with a more manageable, equitable system. They argue for regionalism.

In the final phase of today's lesson, you and your partner will look at the feasibility of regionalism. What are the ideas favoring regionalism? What are its drawbacks?

First, spend the next few minutes reading the following article. Then, you and your partner should study the maps showing major cities, important industries, agricultural areas, and location of natural resources. Then, based on the reading and maps, construct your own map drawing in boundaries and labelling the new "states" as you think they should be.

As you complete the exercise, think of these questions:

1. What determined where you placed the regional boundaries?
2. What problems must you overcome to accomplish the change?
3. How would you go about implementing a plan to restructure state boundaries?
4. What groups of people might oppose such a change?

When this part of the exercise is complete, the teacher will hand out a map showing one man's idea of a new union. See how closely yours coincides.

THE QUESTION OF REGIONALISM - PART II

For some time now scholars have been suggesting the elimination of present state boundaries and the establishment of a new system of states.

A Michigan geography professor recommended 16 states instead of the present 50. As an example, he merged all of New England into one state called Yankee.

A professor of geography at California State University suggested 38 states along the lines of clearly defined areas based on population, economic regions, and topographical features.

And a depression-era governor of Connecticut suggested that the six New England states merge to form one state. He wanted to save administrative costs.

As one writer commented: "Why not? Why can't we have one state of New England? Would it not be more effective for us to speak with one voice?" He went on to list common regional problems he felt such a union could speak for: deep-water ports, electric rates, educational needs, environment protection, improved rail and air service, off-shore oil resources, the fishing industry, refineries, and finally, the elimination of duplicate job functions in each of the states.

Some scholars argue that the states are the least likely units of government in the federal system. They feel that states are unable to rationally plan and control future growth. Many of the 50 states have boundaries which do not relate to their problems; indeed, many of the boundaries artifically divide the problems.

For years, competition has been the hallmark of interstate relations with each state exporting or overlooking common problems. Though this competition has had its positive effects--excellence in higher-education institutions, for example--much of it has led to a heavy burden on the economic resources of the state. The welfare program is one such example. Many of the least prosperous states continue inadequate programs forcing the needy to seek help elsewhere. And that elsewhere has historically been the more affluent and urbanized states in the Northeast, Midwest, and West.

Another type of competition is the drive of each state to attract new industry into the state, thereby creating more jobs, a larger economic base, and thus a more highly developed state. Too often this affects the tax structure in the state and has an adverse effect upon the services offered by the state.

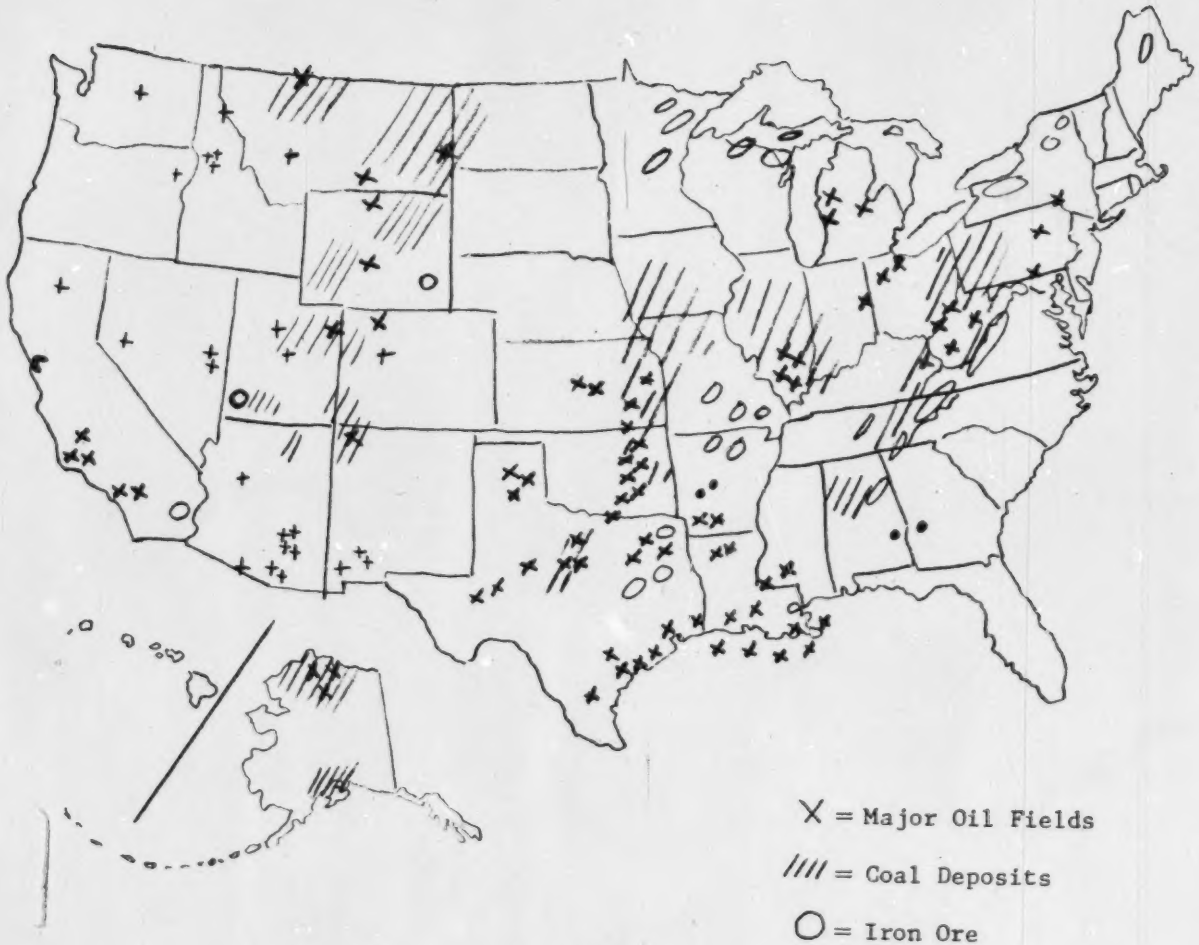
In arguing for a change in state organization, the scholars want to overcome the mismatch between state boundaries and problems. Regional organization would respond to the problem of scale that arises when functions spill over state boundaries. The historic method of handling such problems has been interstate commissions, but these too often bog down when the interests of states are threatened. And the commissions also have a tendency of consuming time and money.

Regionalism would settle the issue.

"BY CONSENT OF THE STATES...": IV/4/5

00112

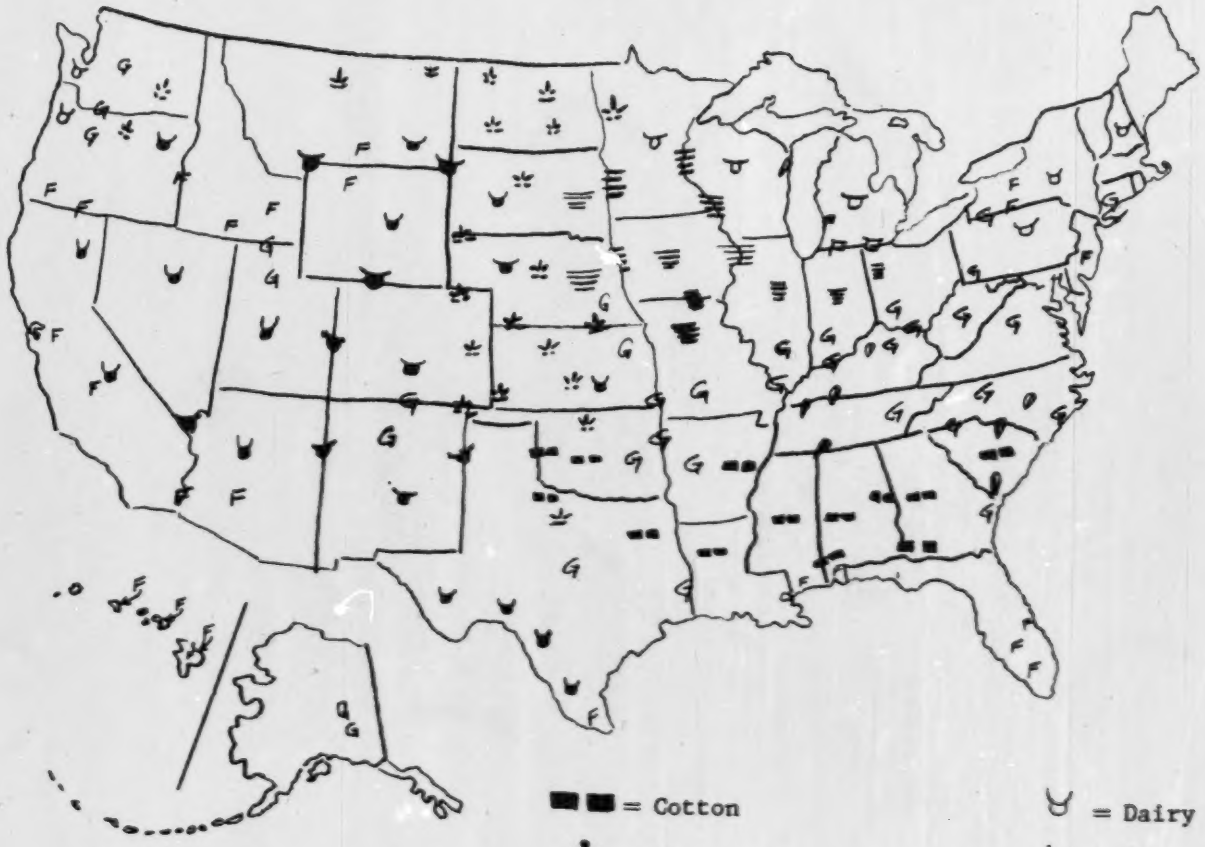
MAP #1 MINERAL RESOURCES – 1970



"BY CONSENT OF THE STATES...": IV/4/6

00113

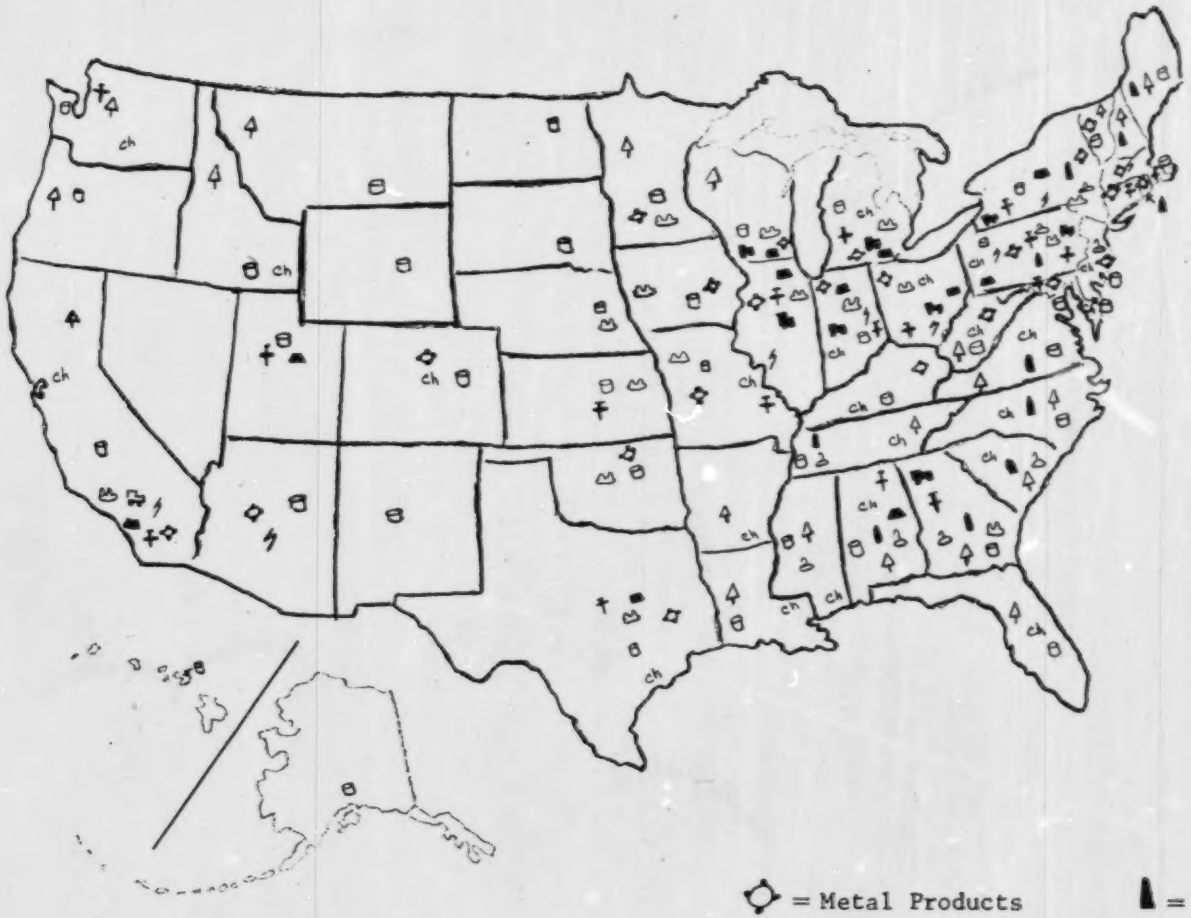
MAP #2 AGRICULTURE – 1970



"BY CONSENT OF THE STATES..."; IV/4/7

00114

MAP #3 INDUSTRIES – 1970



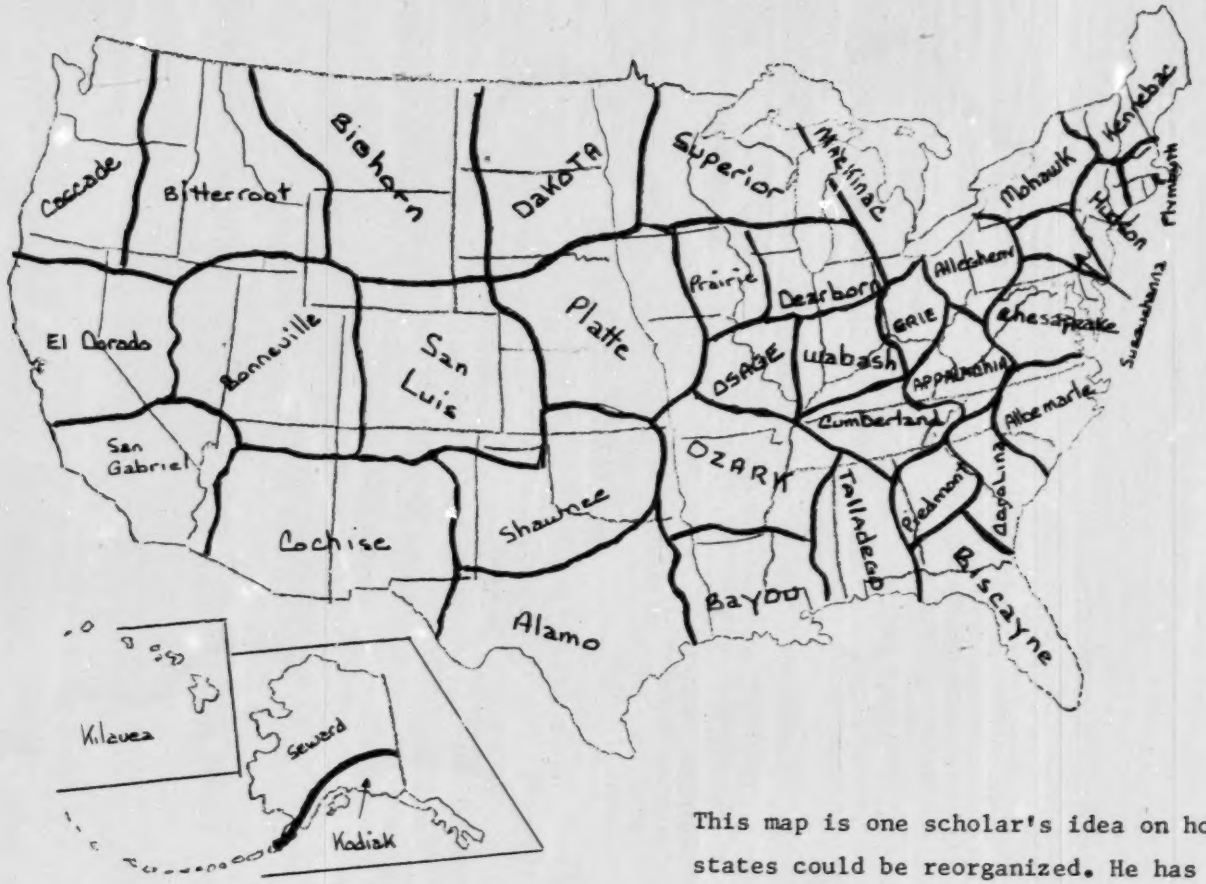
MAP #4

● = Urban Centers of 1,000,000 or more inhabitants

"BY CONSENT OF THE STATES...": IV/4/9

00116

MAP #5 A NEW UNION?



This map is one scholar's idea on how states could be reorganized. He has reduced 50 to 38 and has given each a name. Where would your town or city be located?

APPENDIX I

Other American Issues Forum-related materials make it possible to follow each of the 36 weekly Calendar topics in greater depth. This appendix includes information on sources which provide week-by-week references to additional materials.

Bibliographies

The American Library Association has developed two lists--one for adults and one for young readers--to support the weekly Forum topics. These bibliographies, called Bicentennial Reading, Viewing, Listening, include books, films, records, and other materials. A copy of each list is enclosed. Their reproduction for educational and non-commercial use is encouraged. Additional small quantities can be ordered at no cost from your State Library. For larger quantities write to: American Library Association, Publishing Services Department, 50 East Huron Street, Chicago, Illinois 60611. (There is a mailing and handling charge of $3/100 for such large orders; payment must accompany each order.)

The Regional Program is supplementing the ALA lists with a Regional Bibliography. Copies of this specialized list may be obtained from: American Issues Forum, 401 Mary Reed Building, University of Denver, Denver, Colorado 80210.

A comprehensive, annotated list for over 200 films covering the Forum's weekly topics has been prepared by the Educational Film Library Association. Copies of the EFLA's American Issues Forum Film List may be ordered for $1.00 per copy from: Educational Film Library Association, 17 West 60th Street, New York, New York 10023.

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Courses By Newspaper

Courses By Newspaper is a national program which presents introductory college-level courses to a wide audience with the help of newspapers. A series of weekly newspaper articles constitutes the "lectures" for each course; these are supplemented with a book of Readings and a Study Guide. Colleges within the circulation area of participating newspapers offer credit for the courses. While many readers earn valuable college credit, many more add to their knowledge by reading the "lectures" by prominent scholar-writers which appear in their local papers.

Teachers of Advanced Placement Courses in high schools may find all the materials to be useful for a special Bicentennial course; other teachers may find the newspaper essays to be valuable course supplements.

The Courses By Newspaper for 1975-76 (September through May) have been prepared to help implement the American Issues Forum. Called American Issues Forum I: American Society in the Making; and American Issues Forum II: The Molding of American Values, they explore the people, ideals, political institutions that are uniquely American and the frequent contradictions between American life styles and values. The weekly newspaper articles for each 18-week course are written by some of the nation's leading scholars. Daniel Aaron of Harvard University is the general editor. Below is a list of topics and authors:

AMERICAN ISSUES FORUM I: American Society in the Making

Unit I: Introduction
Daniel Aaron, Professor of English and American Literature, Harvard University.

Unit II: The Making of Peoples
John Higham, Professor of History, The Johns Hopkins University.

Unit III: Men and Nature in America
John B. Jackson, Adjunct Professor, University of California, Berkeley; and Lecturer, Harvard University.

Unit IV: Quest for Freedoms
Alan Barth, former prize-winning editorial writer for the Washington Post.

Unit V: Government and the Popular Will
Doris Kearns, Associate Professor of Government, Harvard University.

Unit VI: Conclusion
Michael Parrish, Associate Professor of History, University of California, Berkeley.

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AMERICAN ISSUES FORUM II: The Molding of American Values

Unit I: Introduction
Allen Weinstein, Associate Professor of History; and Director, American Studies Program, Smith College.

Unit II: The Dynamics of Work
Robert Heilbroner, Norman Thomas Professor of Economics, The Graduate Faculty, New School for Social Research.

Unit III: Buying and Selling
Paul A. Samuelson, Professor of Economics, Massachusetts Institute of Technology.

Unit IV: America and the Outside World
Walter LaFeber, Noll Professor of History, Cornell University.

Unit V: The Shaping of American Character and Values
Neil Harris, Professor of History, the University of Chicago.

Unit VI: Conclusion
Daniel Aaron and Allen Weinstein.

Supplementary materials for both Courses By Newspaper are also available. A Selection of Readings that corresponds to the topics of the American Issues Forum has been brought together in American Issues Forum Reader Volume I and Volume II. A companion Study Guide contains essays, bibliographies, and suggested discussion questions.

The A Source Book For American Issues Forum contains week-by-week discussion procedures and materials, including sources of background information on each weekly topic, suggested books to review each week, and stimulating discussion questions on each of the 36 topics. All these materials may be ordered from Publisher's Incorporated, P.O. Box 381, Del Mar, California 92014. Please see attached brochures for additional ordering information. Teachers considering purchase of the Readers for use in their classes may obtain free examination copies by writing to the publishers.

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★ ★ ★

COURSES BY NEWSPAPER COMMUNITY GUIDE:

A Source Book for the American Issues Forum

★ ★ ★

. . . simplifies the task of creating informative, lively, issue-oriented programs for the American Issues Forum.

In this inexpensive guide is a wealth of resources you can use to enrich your group's discussions of American Issues Forum topics.

Resources like:

- background information on the American Issues Forum
- a list of American Issues Forum related materials and projects, including Courses By Newspaper
- sources of background information on each weekly topic
- suggested books to review each week
- provocative discussion questions on each of the 36 topics.
- ideas on speakers and panel discussions to enrich programs
- films, records and cassettes related to each weekly topic
- information on obtaining the resources you need for your programs

Volume One of *Courses by Newspaper Community Guide: A Source Book for the American Issues Forum* includes program suggestions for the first four months of the Forum.

Volume Two will contain program suggestions for the last five months. Both volumes were prepared as part of the bicentennial program of Courses By Newspaper, University of California Extension, San Diego.

AMERICAN ISSUES FORUM:
A Courses By Newspaper Reader

Courses By Newspaper also has prepared lively and thought-provoking Readers that correspond to the topics of the American Issues Forum. Both Volumes I & II of *American Issues Forum: A Courses By Newspaper Reader* contain personal narratives, fictional pieces, critical essays, poems, documents and excerpts from major American literary classics. These Readers and accompanying Study Guides provide useful background and perspectives for participants in the Forum.

Publisher's Inc.
P.O. Box 381
Del Mar, CA. 92014

Please send me:

___ copy/copies of *A Source Book for American Issues Forum, $1.25*

___ copy/copies of *A Source Book for American Issues Forum,* Vol. II, $1.25 (Available Fall, 1975)

___ copy/copies of AMERICAN ISSUES FORUM READER Vol. I, $4.95

___ copy/copies of AMERICAN ISSUES FORUM STUDY GUIDE Vol. I, $2.95 (Available August, 1975)

___ copy/copies of AMERICAN ISSUES FORUM READER Vol. II, $4.95 (Available Fall, 1975)

___ copy/copies of AMERICAN ISSUES FORUM STUDY GUIDE Vol. II, $2.95 (Available Fall, 1975)

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APPENDIX II

Materials included in this appendix are related to the American Issues Forum and are of particular interest to schools.

WNET/13: In-School Television

WNET/13 is producing a series of nine dramatic TV programs (one for each month of the Calendar) for use in grades 6 through 9, which may also be of interest to senior high school teachers. The series, called *OURSTORY*, is intended for daytime broadcast by educational TV stations to provide in-school TV programming to the schools they serve. Each film will depict how an ordinary American (who actually existed historically) confronted difficult situations or personal decisions in his time. They will be dramatic in character, but open-ended in that they are designed to lead student discussions of the values guiding the protagonists. It may also be aired on public television stations during prime time beginning in September. For times, contact your local public television station.

WNET is distributing free copies of a 16-page Classroom guide to accompany each film to all the Social Studies departments of junior and senior high schools. These will be sent about a month before each program is aired. The print material, designed by curriculum experts and artists, is as unique as the films. The guides include suggestions about how the films might be used in classroom procedures, reproducible written materials for student use, and further information about the characters and incidents portrayed.

Upper Elementary Materials

The Educational Research and Service Center, University of South Dakota, has developed a Regional Teaching Guide coordinated with the AIF topics, entitled 101 Things to Do For Your Bicentennial: A Teaching Guide for the Cultural History and Geography of the Western Frontier and Upper Missouri. This is designed for grades 4 through 9 in the nine state area of Wyoming, Montana, Utah, Colorado, North and South Dakota, Minnesota, and Iowa.

The guide represents a ready-made set of lesson plans with related activities and enrichment materials for easy and immediate use. It covers teaching units on American Indians; Explorers, Trappers, Traders; Soldiers and Forts; Transportation, Commerce, Communication; Cattlemen, Agriculture; Government and Politics; Conservation and Ecology; Towns and Town Builders; and Culture.

In addition to the lesson plans, the teaching guide includes supplementary materials consisting of bibliographies, general references, and information of local, county, and state nature; introductory materials consisting of charts, maps, etc., and 101 Bicentennial projects for classroom, school, downtown window displays, and community centers.

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The guide is available for purchase--$8.00 per guide; 10 or more $7.50. Checks should be made payable to "The USD Educational Research and Service Center." For information and materials contact: Dr. Bruce G. Milne, Director, Educational Research and Service Center, University of South Dakota, Vermillion, South Dakota 57068.

Bicentennial Youth Debates

Guided by the Speech Communication Association, a national debate and public speaking contest for high school and college-age people will be held on the American Issues Forum's monthly topics. Contests involve a network of local, district, sectional, and regional events, culminating in a national conference and competition in Washington, D.C., June, 1976. More detailed information on the Youth Debates has been sent to the heads of the Social Studies Departments of the high schools in our six-state region.

The Bicentennial Youth Debates project is producing materials that may be of interest to the social studies and history teacher. Its Topic Analysis includes essays, reading materials, and bibliographies for further research on the AIF topics. Volume I is ready for distribution in August, 1975; Volume II, in January, 1976. For information and materials contact:

National Director:

Dr. Richard C. Huseman, Director
Bicentennial Youth Debates
1625 Massachusetts Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 265-1070

Regional Coordinators:

Colorado and Utah:

John Crain
Notre Dame High School
2821 Lansing Boulevard
Wichita Falls, Texas 76309
Telephone: (817) 692-7202

Montana, Wyoming, North and South Dakota:

Donald Ritzenhein
Wayne State University
Department of Speech Communication and Theatre
Detroit, Michigan 48202
Telephone: (313) 577-2318

Project Forward '76

Project Forward '76 is an interreligious but non-ecclesiastical Bicentennial Project of the Interchurch Center, a non-profit corporation in New York. Its Forum: Reglious Faith Speaks to American Issues, William A. Norglen, editor ($2.95), was prepared primarily for use by adult church groups.

Ethics for Everybody is a discussion leaders guide to the American Issues Forum which may be of utility in schools. Central to its use is a "value-compass" which

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will lead a group to examine each issue from all points of the ethical compass. The basic question is: What is good and bad, right and wrong about the American Experience. Single copies are free, multiple copies are 50¢ each plus postage at the following rates: 25¢ for one, 50¢ for five, $1 for 10, and $2 for twenty or more. They may be secured by applying to: Project Forward '76, Room 1676, 475 Riverside Drive, New York, New York 10022.

Scholastic Magazines: Scholastic Voice

Scholastic Voice, reaching high school teachers of English throughout the country, will develop monthly statements on the Forum's topics which will relate various literary works and trends to the monthly issues.

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